

STAFFORD COUNTY PLANNING COMMISSION

May 24, 2023

The meeting of the Stafford County Planning Commission of Wednesday, May 24, 2023, was called to order at 6:02 PM by Chairman Kristen Barnes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Kristen Barnes, Albert Bain, Dexter Cummings (remote), Steven Apicella, Martin Martinez, Laura Sellers, Willie Shelton, Jr.

MEMBERS ABSENT: None

STAFF PRESENT: Kathy Baker, Lauren Lucian, Stacie Stinnette, Mike Zuraf, Amy Taylor

DECLARATIONS OF DISQUALIFICATION

Ms. Barnes: Okay, Mr. Martinez, will you call the roll and I believe we need to do a vote to allow Mr. Cummings to participate remotely if we want to do that first.

Mr. Apicella: So moved, Madam Chairman.

Mr. Bain: Second.

Ms. Barnes: Okay. Motion and a second. Any discussion? All in favor say aye.

Members: Aye.

Ms. Barnes: Any opposed? Any abstentions? Okay, motion passes. Welcome, Dexter, hope you can hear us. And now we'll move on to the roll call. Mr. Martinez, will you call the roll.

Mr. Martinez: Commissioner Cummings. Commissioner Apicella.

Mr. Apicella: Here.

Mr. Martinez: Commissioner Martinez here. Commissioner Sellers.

Ms. Sellers: Here.

Mr. Martinez: Commissioner Shelton.

Mr. Shelton: Present.

Mr. Martinez: Commissioner Bain.

Mr. Bain: Here.

Mr. Martinez: Madam Chair.

Ms. Barnes: Here.

Mr. Martinez: Madam Chair, all are present.

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Ms. Barnes: Thank you. Okay, do we have any declarations of disqualifications? Alright, hearing none any changes to the agenda? Hearing none, I will go ahead and move on to the first portion of our meeting which is the Public Presentations. This is an opportunity for anyone to speak on any topic or item except items that are scheduled specifically for public hearings tonight. So if you are here to talk about one of the solar farms, please wait until that public hearing has been opened. When you come forward please state your name and address. Once you do so, the green light at the podium will come on indicating three minutes to speak, the yellow light will come on when one minute remains, and the red light will begin blinking when time has expired and we ask you to work to conclude your comments. If you would like to come up and address the Commission, please come up now. Like I said last time, you don't have to raise your hand.

PUBLIC PRESENTATIONS

Mr. Ryan: Thank you. My name is Peter Ryan. I live in the Falmouth District and I'm here to oppose the upcoming rezoning applications. Steven, how are you doing sir? We've communicated a little bit. This is a rezoning application by Jarrell Properties to build a R-2, Urban designated 55 and older restricted community off of Cliff Farm Road. It's currently zoned A-1, or Agricultural, and we believe that this is going to negatively affect the quality of life of basically everyone off of Leeland Road in the term of construction as well as years down the road until other infrastructure is put into place. The other fact is, there is a piece of property at the back part of Cliff Farm Road, which is not developed currently, but is in the land bank for the school system. Currently, the school system does not have any plans for that. So if this rezoning application is approved, then it would create potential problems and expenses for the County and residents. If that front part is developed, and then the back part is developed, it's a high likelihood that work would have to be undone and more construction would have to continue. So there's over 1,200 local people here who have signed our petition opposing this rezoning application as is. We are not opposed to housing on this land. We're just simply opposed to the density of housing that is proposed currently. We would, uh, we would be fine with R-1 designation, preferably A-2 would be nice. But we ask that you guys will when you consider that application that you deny it as is and know that you're speaking for over ,1200 residents who have signed our petition. Thank you so much.

Ms. Barnes: Thank you, sir. Okay, anybody else would like to come and address the Commission during this portion? Okay, seeing nobody rushing... were you about to get up? Okay. Welcome.

Mr. Gabriel: Good evening. My name is Lester Gabriel. I have a few comments about the solar farm at Enon.

Ms. Barnes: So let me let me stop here real quick. That's the next thing on our agenda. This is an open forum for anything. The Enon application is a specific application; you will absolutely get a chance to speak but we have to actually open up that public hearing first.

Mr. Gabriel: Okay.

Ms. Barnes: So just be a couple minutes patience with us please. Okay, anybody else? Okay, so I will close the Public Presentations and move on to the first item on our agenda and that is the Comprehensive Plan Compliance Review for the Enon Solar Farm. And for that we recognize Mr. Zuraf. And I believe that we're going to also do the conditional use permit at the same time?

Mr. Zuraf: Yes.

Ms. Barnes: Okay, thank you.

PUBLIC HEARINGS

1. COM22154574; Comprehensive Plan Compliance Review – Enon Road Solar Farm – A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for a proposed solar energy generating facility on Tax Map Parcel No. 45-127 (Property), zoned A-1, Agricultural. The property consists of 36.77 acres, and is located on the southeast corner of the intersection of Enon Road with Truslow Road, within the Hartwood Election District. **(Time Limit: July 23, 2023)**
2. CUP22154573; Conditional Use Permit – Enon Road Solar Farm – A request for a conditional use permit (CUP) to allow a public utility, specifically a solar energy generating facility, within the A-1, Agricultural Zoning District on Tax Map Parcel No. 45-127 (Property). The Property consists of 36.77 acres, and is located on the southeast corner of the intersection of Enon Road with Truslow Road, within the Hartwood Election District. **(Time Limit: September 1, 2023)**

Mr. Zuraf: Stacie, that's the other, the applicant's presentation. That's the applicant's. Okay, good evening, Mike Zuraf with the Planning and Zoning Department, here to talk about items 1 and 2, which is the two applications related to the Enon Road Solar Farm. It involves a Comprehensive Plan Compliance Review and Conditional Use Permit. You did receive tonight modified conditions related to this case in front of you at your seat and I'll go over those changes as we go along through the presentation. So the requests include a Comp Plan Compliance Review to determine if the proposed solar facility is substantially in accord with the Comprehensive Plan, and a conditional use permit to allow a solar facility in the A-1, Agricultural Zoning District. The property is Tax Map Parcel 45-127 on 36 acres in the Hartwood District. Justin Vanderbroeck is the applicant and Soaring Aircraft Sales is the property owner of the parcel. So the site is located on the southeast corner of Enon Road at the intersection with Truslow Road. Here's a zoning map that identifies the property as A-1, Agricultural; that's the light green shading. Adjacent properties are also zoned A-1 on all sides except for the west side where you have property that's zoned B-1, Convenience Commercial. The property is largely undeveloped. There's a mix of open fields and forested areas. There's some barn structures and silos centrally located on the property. The topography, it's generally level, it slopes gradually downward as you head to the east. There are a few intermittent streams with associated wetlands that bisect the property as well. There's also a driveway entrance off of Enon Road that head back to the old barns on the property. And then a private access easement on the south side of the property off of Truslow Road that head to a residential parcel that is just to the south of the site. Here's a street view from that intersection of Enon Road and Truslow Road. The site plan shows how the facility would be developed on the property. The plan identifies the solar panel arrays grouped in four developable areas on the site, each enclosed by a separate security fencing. The fenced solar array areas in total cover 17.7 acres of the total 36 acres. The four different areas are provided to avoid the wetland areas and existing kind of mature tree cover that is on the site. The main entrance to the facility will be located at the current access point into the property off of Enon Road. There will be gravel access roads provided from that point to the four separate fenced array, solar array areas. There would also be a 50-foot-wide landscape buffer provided around the perimeter of the site where existing vegetation does not exist. There would be a reduced 15-foot-wide landscape buffer proposed along a section of Enon Road. This is in an area where if there's some existing wetlands and so the travelway, to get the travelway to avoid those wetlands, it cuts into the buffer area and that is... let's see if this works... in this location. So you'd have a 15-foot-wide buffer in that spot. Otherwise it's a 50-foot-wide buffer along those two roads. This is a closer view of the portion of the facility. The solar panels are mounted on parallel racking systems constructed

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in a north/south alignment. This is to maximize cap, energy capture. These solar panels are on tilting axis that rotates from east to west to follow the location of the sun throughout the day. Here's a cross section detail that was provided with this case. It shows the maximum height of the panel's at maximum tilt would be 14 feet. Each row of solar panels would be 36 feet apart on center. That basically gives you about 23 feet of separation between the panels, between each row of panels. And then the power would be collected via string inverters that are located at the end of each row of array solar arrays, and then they feed the power into the local power transmission lines along the, along Enon Road. So getting to the Comp Plan Compliance portion and the Comp Plan evaluation, the application was evaluated for compliance with the Future Land Use Plan, the Airport Impact Overlay – the portion of the site is within the Airport Impact Overlay – and then solar facility recommendations that are, have now just been amended as part of the Comp Plan. The those guidelines provide guidance regarding siting criteria and facility design standards for any solar facility that would be located in the county. So first looking at the Future Land Use Plan, the site is highlighted in red and it is in the area designated for Suburban on the Future Land Use Plan and inside of the Urban Services Area. These are... Suburban areas are areas where Suburban scale development is most appropriate. They're designated to be primarily residential in nature, but will be complemented with neighborhood and community-oriented activities, places of worship, parks and play areas, and retail and business activities. That's the general description for Suburban Land Use.

Ms. Sellers: Madam Chair?

Ms. Barnes: Go ahead.

Ms. Sellers: In a suburban area do we allow, and I should know this but I don't, do we allow solar facilities? I can't remember. Or was it a CUP throughout the county?

Mr. Zuraf: The CUP in the ordinance is related to the specific zoning districts which are A-1, M-1, and M-2. So in the Comp Plan, we have a whole separate set of standards that don't necessarily focus on one; it does talk about... and I'll get to that where it explains where it might be appropriate in relation to the Future Land Use.

Ms. Sellers: Okay, because we do have some folks here so I might ask some clarifying questions, too.

Mr. Zuraf: Sure. So, as mentioned, the sites within the Airport Impact Overlay, this is related to the Stafford Regional Airport and specifically within the what's identified as a Conical Zone. So there's several different sub areas around the airport that are designated based on different how planes may maneuver around the airport. So this is kind of an outer area where the planes may be circling as they are approaching or taking off from the airport. There's also then a compatibility table that identifies what uses might be appropriate within each zone. The compatibility table does not recognize specifically solar facilities. However, it does talk about heavy industrial uses that create sun glare. So heavy industrial uses are identified as needing additional review within this plan. And staff would note that the proposed condition in the concurrent conditional use permit would require that the solar panels consist of antireflective, include antireflective coating. And we did receive... the application included information from the FAA that determined that the facility would not be a hazard to air navigation. So, there's other policies in the plan that address solar facilities. And so have policy 2.6.7 is one of them. So I have several points that just kind of get to what the policy is talking about and how this use would apply. The area is rural in nature, with no residential developments in the close, in close proximity. That's one of the, one of the suggestions within that policy. Also, there are no public drinking water sources nearby. The site is identified as having prime agricultural soils. This policy discourages solar

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facilities locating where there's prime agricultural soils, so it does not meet that one criteria. And then there are limited natural buffers for screening. So there are proposed setbacks and screening that would be required that would be consistent with the new Zoning Ordinance that was just adopted. And that would help to minimize viewshed impacts from adjacent residential properties. So then, the plan does now include several location standards and location criteria that were part of the latest Comp Plan amendment that was adopted last week by the Board. And so I'll kind of just go through it again. Here are some more points that speak to how the facility meets or doesn't meet those location criteria. So the location criteria does talk about encouraging solar facilities outside of the Urban Services Area. As mentioned, this is inside of the Urban Services Area. But then, the guidelines go on and say projects inside the Urban Service Area may be considered based on some additional criteria. First, a project needs to be less than 50 acres in size. As I mentioned, the project area is 17.7 acres so it does meet that. And then also it talks about that the area not have some higher better use or be more appropriate for other residential or commercial uses in this specific location. So staff doesn't know that the residential commercial uses may not be a better use of land in this location at this time. Surrounding uses are generally more rural in nature. And then also improvements to the area road network are going to be needed before some more high intensity development occurs on this site. And that should occur before higher traffic volumes...

Ms. Sellers: I have a question.

Ms. Barnes: Go ahead.

Ms. Sellers: When we're looking at land uses around there, and we say they're more rural in nature, perhaps right there in that general vicinity, but if you take a right on to Truslow Road and an immediate left, that is not rural in nature. That is by Stafford County standard probably one of our higher density areas. So how... what are we judging for this rural factor?

Mr. Zura: Well, this... the way I guess we looked at it was the main surrounding properties and everything kind of that would be within view. And yes, once you make two turns and then you're in a much more suburban high dense area and, but that area is kind of also on the other side of maybe a ridge and so it's out of view.

Ms. Sellers: Well even if you take a left on I think it might be Truslow Road, too, I don't know if it's Truslow or not to be honest with you, but if you're at that same, you know, that crazy intersection there, you take a left with the, with the Stafford Junction on the right as you're going, that's pretty suburban, probably higher dense too as you go down. I mean, it's pretty, you head towards I think it's, there's like Snellings is down that way, you know, and then it comes out at Route 1. That's all built up. So I don't know if I'd say that. I mean, it's not built up like Embrey Mill, but it's built up for Hartwood.

Mr. Zura: And so, it is general in nature, and it and it doesn't get into maybe specific criteria as far as units of measure or distances or any other criteria. So it is kind of a subjective kind of criteria so.

Ms. Sellers: Okay.

Mr. Zura: That's for the Commission to consider whether that, whether, you know, you don't have to agree with that, definitely. But that's, that's our take on it.

Ms. Sellers: Okay.

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Mr. Zuraf: So then there's also some additional location criteria that applies to all solar projects. So let me back up; the way we've dealt with this in the Comprehensive Plan is we kind of categorize solar projects as being utility scale and community scale. This is considered a community scale project; it's generally a smaller size solar farm. And the way we're, the unit of measure is any facility that generates less than 5 megawatts of power, and this one generates 3 megawatts of power. So it falls under the criteria for community scale projects. And that's kind of what I was getting at with this last slide, where community scale projects are okay inside of the Urban Service Area under certain situations. Utility scale projects cover a lot more land and they would not be consistent. If this was a larger site, larger project, it would not be consistent in this location. And then there's general criteria that apply to any solar facility. And that's what this slide gets to. The sites and they have some points that talk about how this meets or doesn't meet this, these series of criteria. The site does not have established or preserved vegetative buffers for screening, which is one of the standards. The site is used for limited agricultural activity, it looks like maybe they harvest hay from the from the site, but nothing more, it doesn't appear. The project is avoiding impacts to wetlands and any of the areas that have, that do have mature trees on the property. They do fence pockets of the site to help maintain wildlife corridors passing through the area. And then there's no dense residential neighborhoods within the project viewshed. And then there's a series of site design criteria for individual sites for these projects to kind of be considered and evaluated against. Given the smaller size of the property a conditions has required the use of string inverters or micro inverters to mitigate noise impacts. One of the criteria is that the inverters be centrally located on the site. That's difficult to do on this property. And there's different types of inverters that can be used; there's larger central inverters that collect the power in one spot and they can be much more, create more noise, where the micro inverters are basically smaller units that are much more quiet. And we're recommending a condition that they only use the micro inverters to minimize any potential noise impacts. The retention of existing tree cover is recommended. There's existing tree cover that is minimal on the site. So they are required to plant new trees around all the kind of perimeters along the roads to help screen the site. And also, in place of providing travelways around the perimeter of each group of solar arrays, it was recommended that the applicant provide emergency response training for fire and rescue personnel. So that was... one of the guidelines is to provide a travelway around. The applicant noted that that's something they really don't provide in any of their projects. And they had a discussion with the Fire Marshal's office about it. And the site, on-site training and familiarity with the operation and the facility was recommended as a condition early on. But it was deemed to be an inappropriate condition. So we don't have that as a condition, but I know that the applicant is willing to be part of that, and provide that training. And so they're offering that up voluntarily, but it would not be part of the conditions. Also, the project minimizes environmental impacts and maintains wildlife corridors. And then the gradual terrain should minimize the need for excessive grading across the site, which may allow the site off in the future, if the facility is removed, that the site may be able to go back to agriculture use or some other use in the future.

Ms. Barnes: Mr. Zuraf?

Mr. Zuraf: Yes.

Ms. Barnes: Can I ask a question about the last one, in place of providing travelways around the perimeter? If it's not part of the conditions, how do we enforce that?

Mr. Zuraf: It wouldn't be something that we can enforce. We're just basically going by the, you know, and the applicant can speak to that as well, but you would have to go on the applicant's word that they be open to doing that.

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Ms. Barnes: Okay, thank you.

Mr. Zuraf: I don't see why they wouldn't, but because it's probably in their best interest so. I'll defer to them to kind of explain a little, talk a little more about that. So as part of the conditional use permit, we're proposing several conditions: that the property be developed in conformance with the General Development Plan that was provided; that they install the buffers in accordance with the landscape plan that's part of the of the plan; and then require 75-foot setbacks from planned right-of-way and other property lines. Also, provide access roads as shown on the plan; providing security fencing as required by code. We did amend one of the conditions to specify that the applicant does want to use a woven wire fence system that is more wildlife friendly, it has larger openings that, so smaller wildlife can pass through but it keeps the larger animals out. So that's added in as a, just to clarify that that would be okay as part of the chain link fencing provision in the code. Also permitting only string inverters or micro inverters, as I talked about; limiting the construction activities to sunrise to sunset, Monday through Friday...

Ms. Barnes: Mr. Zuraf?

Mr. Zuraf: Yes.

Ms. Barnes: I have a question about that. I've never, maybe I just haven't seen it, I've never seen one that says sunrise to sunset. I usually see specific times and I looked up the summer, June 21st, the longest day of the year, and this, and sunrise is actually 5:45 AM. So that's significantly earlier than what we usually propose for conditions like that.

Mr. Zuraf: Okay. We definitely can modify that and consider specific hours if you, if you wish.

Ms. Sellers: Can we... this is one of the few times I'm going to actually say, can we discuss hours, because I usually think these are worthless. However, we do have a high school on that road and potentially two high schools on that road. In other projects, we have said we don't want any construction traffic going in at the same time as the high schools. And we could potentially have an elementary school on that road in the next few years. So is there a way for us to say that we do not want construction to interfere with high school, because it's already a mess over there, when the high school lets out? And I don't know how we do that. But can we think about that?

Mr. Zuraf: We'd have to like, look at what the hours, you know, the school hours and kind of see when that traffic is.

Ms. Sellers: I think it's like 7:00, like 6:30 is when they start because don't they start like 7:15 or some God awful time?

Mr. Zuraf: So we'd have to, I think we'd have to work on crafting that to...

Ms. Sellers: Okay. I know we've done it in the past. I don't know how enforceable it is. But, you know, with that high school there and if they're gonna be doing construction while those high school kids are coming in and out.

Mr. Apicella: I do think it would help though for some context about the timeframe for when construction would occur. I don't think this, I think the high school will happen way after the construction cycle would be for this project.

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Ms. Sellers: No, mine isn't the construction of the new high school, it's of Stafford High School that is Enon Road now. And those kids... My son goes to gymnastics at 4:30 and it's a nightmare. And in the summer you're gonna have not only... there's a lot that goes on right there. And so I know when we've done other projects, like especially in Garrisonville, we have asked them to not interfere with the school hours, that we do not want them pulling in construction vehicles while our students are coming in and out.

Mr. Zuraf: Okay. And the applicant...

Mr. Bain: We can point out that once the site is graded, and there's not a lot of grading to do from what you've commented in the app... your documentation. The only real traffic is delivery of the equipment, which I think probably could be scheduled around the high school hours easily, and just tell them don't, don't bring it between 7 AM and 9 AM or 3:00 and 4:00, whatever hours would be appropriate for delivery of equipment. I don't, and the applicant maybe can respond to this, I don't see this being a site that's going to have a lot of employee traffic. During grading there'll be maybe a dozen, I'm going to guess. But again, the applicant could confirm that. Once they get into equipment installation and erection of the panels, probably not a whole lot of employees. So I think it should be possible, when they're doing erection, get the employees in there before the high school movement, say 6 AM, you know. They have to be on site by 6 AM. And don't let them leave until 5 PM or something. So I think that's, that's a valid concern. But I think it's something that could probably be worked out very easily. And, and tell them they have to eat lunch on site, you know. No, no, no.

Mr. Zuraf: Yeah, the applicant could speak to the construction phasing. And also, I know it is a limited number of months, very few, limited number of months that it's even gonna be happening. And then once the construction is done, then it's just visiting the site once every few weeks for maintenance.

Mr. Bain: If they can start work next Friday, it would be perfect because school is out on Thursday.

Mr. Zuraf: I'm sure they would love that. Alright, yeah, last few points, they would be required to post emergency contact information at the entrance of the site, and require recordation of a decommissioning agreement prior to occupancy approval so they can set parameters for how the site would actually be dismantled and put back to its original state should the solar facility stop the operation. And then also, there is a new condition that would provide a cash contribution of \$42,000. That's typically not something that is, is permitted in as a, as a conditional use permit, but state code does specifically allow cash contributions for solar facilities. And, and so that is a new condition that was added in.

Mr. Bain: And where will those funds go?

Mr. Zuraf: Then it comes to the County and it would just kind of be held back. And then we probably would, you know, the County could use it for anything, I would assume it would be used for probably some sort of semi-related capital improvement in the area.

Mr. Bain: Okay. But this isn't the cost of the decommissioning plan.

Mr. Zuraf: No, this is...

Mr. Bain: I wanted to make sure that that's a separate fund. Thank you.

Mr. Shelton: Madam Chair, I have a question.

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Ms. Barnes: Go ahead.

Mr. Shelton: The posting of emergency contact information, does that mean that someone will be local in the event of a fire, EMS, or something in the immediate vicinity? Is someone local? Or is that going to be someone outside the geographical area?

Mr. Zuraf: I believe that the applicant would have some sort of local contractor but I would defer to them to kind of explain who they have in the event of any kind of emergencies that need to get to the site quickly.

Mr. Shelton: Thank you.

Mr. Zuraf: So going just over the eval... the summary evaluation first for the Comp Plan Compliance, staff believes the proposed facility is generally consistent with most of the siting and design standards of the Comp Plan. The design of the facility, including the setbacks and buffers and other site controls, would minimize impacts on adjacent properties. The facility minimizes impacts to sensitive environmental resources, and it does offer an alternative use of land that will have the potential of being converted back to its natural condition after the useful life of the facility. As a negative, there would be potential short-term visual impacts until the vegetated buffers mature. The site would be, would be visible, I believe. And then with the evaluation of the conditional use permit, there are some positives and negatives as well. The proposed facility meets all the standards of issuance of a conditional use permit. The facility is in accordance with the Comp Plan recommendations. The proposed setbacks, fencing, and screening should not detract from the character of the surrounding area, and conditions would mitigate potential negative impacts. As a negative again, it's the short-term visual impacts until vegetation matures. And then with the overall recommendations, with the Comp Plan Compliance Review, staff recommends approval pursuant to PCR23-09 finding the request substantially in accord with the Comp Plan. And for the conditional use permit, staff recommends approval with the recommended conditions and subject to approval of the concurrent Comp Plan Review. And that ends my presentation.

Ms. Barnes: Okay, questions for staff?

Ms. Sellers: Madam Chair?

Ms. Barnes: Okay, Ms. Sellers.

Ms. Sellers: Can you pull up the GDP? Yes, this one. So can you talk to us about what these buildings are, like R, X, X, R? Are these their buildings? Are these residential buildings?

Mr. Zuraf: Yeah, the R's represent residential buildings. The X's are outbuildings, barn structures that are not occupied.

Ms. Sellers: So they're not owned by this, the property owner here?

Mr. Zuraf: At the bottom like this?

Ms. Sellers: Mm-hmm.

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Mr. Zuraf: Yeah, that is off-site. That's owned by an adjacent property who has their access... their access actually runs through the site through the access easement.

Ms. Sellers: An access easement in place, I'm assuming?

Mr. Zuraf: Yeah, that's already in existence.

Ms. Sellers: And do we have correspondence from this, this, this property owner? This one and then the one at the other side of it.

Mr. Zuraf: I haven't received any word from them that I'm aware of.

Ms. Sellers: Okay.

Mr. Zuraf: They were notified of the hearing.

Ms. Sellers: Yeah, many people are. But sometimes they don't realize that this is literally this person's front yard. And then this person's backyard. And sometimes they don't, they don't understand that until all of a sudden, they have a solar farm behind their house, including myself. I didn't know there were townhomes going behind me. And they just showed up one day. So then the other one, when we come up here to the street, and we say it's a, what is it a 75 or 100 feet from the right-of-way? What is the future of Enon Road? Do we have a proposed in our Comp Plan?

Mr. Zuraf: The Comp Plan does call for a 4-lane divided roadway in this area on Enon.

Ms. Sellers: And so what would the, how much, how many feet are we talking about?

Mr. Zuraf: That would be 55 feet from centerline and that's the red shaded area that you see. Because actually on this, this property, the parcel line still runs to the centerline of both Enon and Truslow. So that red shaded area highlights kind of right-of-way reservation that would allow for that, you know, widening to occur if it ever happened.

Ms. Sellers: And so it's 150 feet from the edge of the, or however many feet, from the edge of this red line or from centerline?

Mr. Zuraf: So the 50-foot buffer, the way we're going about it is from the 30 feet from the center line, because what would maybe be more realistic in the near term would be, you know, 2-lane improvements to Enon and Truslow, and that typically is within a 60-foot right-of-way. And so from, and that's 30 feet from the center, so you go out 30 feet, and then from that point, they have, they provide a 50-foot buffer, and then they have their fencing and then there's an additional 25 feet for the solar panels to be setback from the fence.

Ms. Sellers: And then in there somewhere is going to be the vegetation. Or is it when we theoretically widen this road and take that right-of-way, or you know, take that property, do a, do a quick take process since we can't ask them to do it in a conditional use permit I think. That would take away their vegetation and tear down all the things that we put up.

Mr. Zuraf: A portion of the... you can see the green circled areas are where the vegetation would be.

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Ms. Sellers: Yeah, so it would cut into half of it along the Enon Road essentially, maybe a little less than half. Maybe I'm being a little, a little out there but. It would essentially, if we widen the road, which is the plan right now, we'd cut into that vegetation. So could we move it... I mean, this is a really small property here, kind of funky shaped. Yeah, so we would be... so in the next few years we could be telling them they'll have vegetation to cover it, and then we could come in and build a road there and take away the vegetation that we said would cover it. Okay, that's all I got.

Ms. Barnes: Any other questions for staff? Mr. Bain?

Mr. Bain: The existing barns that are on the property, are they going to be demolished? Or is there a chance that they would be used in some way by the applicant or the landowner separate from solar farm?

Mr. Zuraf: I'd have to, you know, this plan doesn't get into what the future potential of those barns are, so I would defer to the applicant as to what their, what their plan might be.

Mr. Bain: Okay. Can you go back to the aerial photo? There. As you mentioned, Truslow Road is pretty much a crown of a hill, although it's not a big hill. But going to the west of Truslow the land does drop down towards the creek. Do you have a sense for like the houses that are on Legend Drive that would be sort of parallel at the corner, what would they be able to see? If they look out their bedroom window, would they see the solar panels? Or would the hillcrest hide the solar panels from them? Do you have a sense for that?

Mr. Zuraf: I'd have to check the contours.

Mr. Bain: Yeah.

Mr. Zuraf: I do see that there's some existing trees back behind those homes so.

Mr. Bain: And I know that looking to the east of Truslow where the panels are going to be, it slopes down towards that brown area, which is, I guess, wetland and stream area. And then, yeah, on the east side of the site, it slopes towards that stream. So I think, in general, the panels are kind of moving downhill away from both Enon and Truslow Road, and therefore would reduce their visibility some? Is that a accurate assessment?

Mr. Zuraf: Yeah, I think, yeah, as long as that's sloping downward. Yeah, that should have the effect of lessening the visibility. They did include a cross section with, and I didn't have that in the presentation, but in the application package it included a cross section, which looks at two areas I think across generally from here to here.

Mr. Bain: I don't remember seeing that. I saw the one that was the street view from the intersection. But I didn't see a cross section, I didn't think.

Mr. Zuraf: It's one of the attachments.

Mr. Bain: I'm sorry, I missed it I guess. Maybe it was in one of the exhibits I didn't get to. But I'm just you know, if I was a property owner in that subdivision to the west of Truslow Road, right now I look out the window, I see one or two houses that are up on Truslow Road and then there's a farm field. These structures are going to be at a maximum of 15 feet high. And until those trees and vegetation grow, it's going to look like, you know, a construction skeleton of a building or structure for a while, but I'm just,

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I'm a little concerned. Just how bad would that view be? I think going away from Enon and Truslow Road, they're going to be dropping far enough that it's not going to be an issue. And for the people that live on the north side of Enon Road, they'll kind of drop out of sight. It won't be as nice as looking at, at a grass field but, but it shouldn't be monumental once the vegetation, buffer vegetation grows. Okay. Maybe I'll ask the applicant for their view on that because I think that's important. That's all I have.

Ms. Barnes: Okay, thank you. Mr. Shelton or Mr. Cummings, I don't know if Mr. Cummings can hear us, do you have any questions? Mr. Shelton.

Mr. Shelton: Madam Chair, I have one. I think you the fencing you talked about was a max height of 6 feet?

Mr. Zuraf: Yes.

Mr. Shelton: Can we change that or ask the applicant to consider 8 feet with the opaque link in it on the Enon Road side? So when I went to the Hull's Memorial Church, if I'm standing on the front porch I'm looking directly down into it and I think we need to, not only with a buffer, but also with a chain link fence.

Mr. Zuraf: Okay, alright. Yeah, I would definitely defer to the applicant as to their view on that condition.

Mr. Shelton: And the expansion Enon, we have no idea when that may take place? The expansion that's in the Capital Improvement is for the Enon Road near the high school. Am I correct?

Mr. Zuraf: My understanding is yeah. Yeah, the Enon Road improvements that are more so being planned are over by, yeah, between the high school and Route 1. There are no plans for any widening, you know, that are in the in the CIP for this section of Enon Road. So it's just a right now a concept on our, on our Transportation Plan.

Mr. Shelton: So that could potentially be 10 years.

Mr. Zuraf: That or 20 or it may never happen.

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Shelton: Thank you.

Ms. Barnes: Mr. Zuraf, I have one quick question. Currently, the property is zoned A-1, correct?

Mr. Zuraf: Yes.

Ms. Barnes: So if, if they were to build houses on that, what would the maximum amount of houses be with the current zoning?

Mr. Zuraf: That is, what did I say, 36 acres, six homes.

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Ms. Barnes: Okay. So if they wanted to build houses on there, they would, it's not zoned R-1 so they're not going to go put, be putting a huge subdivision on there. So six houses for the current roads that we have in there wouldn't really be much of an impact. Correct?

Mr. Zuraf: That'd be 60 vehicle trips.

Ms. Barnes: Okay. Alright, that's it. Go ahead.

Mr. Apicella: Madam Chairman. Mike, can you take us back a little bit through the history of how we got here? We didn't have solar farms as an identified use in Stafford County, and how did we get here?

Mr. Zuraf: Yeah, so this application, and the other one, they both came in, basically, last summer. And around that time, yeah, we had no solar farms like this in the County. And, and we, you know, like you said, our Zoning Ordinance did not really speak specifically to solar facilities. Basically, it kind of falls under the Public Utility use, which is a, which was under that, under that use provision, basically allowed by a use permit in any zone, in almost any zoning district in the County. So, and we had very limited Comp Plan guidelines related to solar. And so when this project and the other one came in, the County said, well, we need to maybe look at our ordinance rules and Comp Plan guidelines for solar. And so there was an overall work session back in September of last year, with the Board and Planning Commission in a joint session just kind of talked about solar and the issues and, and what it is, and kind of, just kind of a solar one on one kind of talk. And from that the Board tasked the Planning Commission with working on amendments to the Comprehensive Plan and the ordinance, and the Zoning Ordinance to modify our rules and our guidelines. And so through the fall, the Planning Commission worked on that with a subcommittee. In December, they finished their work, sent it on to the Board, and at the beginning of this year, the Board looked at those rules and those guidelines that just got adopted and, and were happy with them at the time, and we had the public hearing process to adopt these guidelines during the spring. And then they were just adopted for good last week by the Board.

Mr. Apicella: And when you did your evaluation of the project, based on the new Comp Plan provisions and the ordinance changes, that was based on the now approved versions.

Mr. Zuraf: Yes, yeah.

Mr. Apicella: You went through the list of Comp Plan provisions and ordinance issues and conditions. Would you say that the applicant has met most or all of the provisions that we've approved, the County has approved?

Mr. Zuraf: Yes. And as I kind of reviewed, there are a few Comp Plan guideline provisions that they don't and that's sometime will be tough for any project to meet all the guidelines. So you kind of look at the whole picture. And you know, we, they definitely meet a lot of the, a lot of the guidelines in the Comp Plan.

Mr. Apicella: Could you pull up that GDP again, please? So the area that you have circled, that 15-foot buffer, I have a little bit of concern there. I drove to get here by, you know, Enon Road. And a lot of the property now is flat and not treed. I can't tell exactly where it is as I'm driving down the road, but what concerns me is when somebody's driving there, once the parcel is fully developed, what are they going to see as they're driving along a Enon Road with a 15-foot buffer in that particular section, and how long is that section?

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Mr. Zuraf: I would, I'm not positive how... it looks to be a little over 100 feet. The applicant may be more familiar with how long that stretch is, but possibly about 100 feet and yeah, with this 15-foot-wide buffer area, you might get a row of trees, maybe some offset, you know, staggered two rows of trees within that 15-foot stretch.

Mr. Apicella: So I know there's some wetlands there. Does the applicant have any other options to increase the buffer or make it so that it's further mitigated so you can't see the panels on the next section?

Mr. Zuraf: I know if they, if they... to get access through their one access point, they would, you know, they wouldn't have access if they've increased the buffer in that location without impacting the wetlands. I guess another option would be to have access, another access point off of Enon, which would be pretty close to that intersection of Truslow and Enon if they needed some specific direct access right into that small pocket without, you know, so if they did remove this crossing and then increase the buffer, this may help.

Mr. Apicella: So that crossing doesn't exist right now, obviously; it's what's proposed. That crossing, that 15, that 100-foot stretch, that doesn't exist right now. There's nothing there. It's just a parcel with...

Mr. Zuraf: Right.

Mr. Apicella: ... you know, trees and/or dirt.

Mr. Zuraf: Right.

Mr. Apicella: This is where they chose to have the crossing.

Mr. Zuraf: Yes.

Mr. Apicella: Okay, so, so again, where's an alternative option?

Mr. Zuraf: They would have to have separate... there's no way to... this is their main ent... This is their main entrance. And so, and the one access point that they're proposing, and so their access roads would come down and around this way to get here. So if you did, if they didn't have their access through here, and this went away, then their access would be somewhere here. And it would be a second separate access point into that section.

Mr. Apicella: And for your planning perspective, is that, is that viable?

Mr. Zuraf: I mean, there could be, because it's going to be low volume, it would just be an entrance that is, you know, not used very often because the number of trips would be very minimal, just for maintenance. But there may be some other reason that the applicant may, may be able to expand on why the connection the other way is, is more required.

Mr. Apicella: Right. And again, my concern is that obviously the people who live across the street as well as people driving and they see a solar farm, which is something unique in Stafford County, slowing down the traffic and potentially causing an accident because somebody is looking over at the solar farm and not paying attention to what they should be doing along Enon Road.

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Mr. Zuraf: And one other option could be the whole, the suggestion to add slatted opaque fencing. Then you basically can block the view that way.

Mr. Apicella: Okay.

Ms. Sellers: Madam Chair, is that the current entrance, their main entrance, is that an already established VDOT approved entrance on the Enon Road?

Mr. Zuraf: It is, it's not a VDOT approved entrance because it's just basically two farm fields. So the existing entrance into the property is basically just kind of a gravel entrance that is existing in this location.

Ms. Sellers: So would they have to get an approved entrance?

Mr. Zuraf: They'll have to get some sort of entrance permit from VDOT, but given the use I'm sure it's not going to be very, it's not going to be like your typical commercial entrance.

Ms. Sellers: Right. And then can you point out where the Musselman Park is going to be going? And what that park is slated to become?

Mr. Zuraf: The park area is basically down here. And then I do think it actually has all this property here. And as far as the plans for that park, I'm not positive. I know they're working, I think, through some master planning of what the end use will be. I'm not certain.

Ms. Sellers: Yeah, we just broke ground on it, right?

Mr. Zuraf: There is a parking area there, and I'm not certain what else.

Ms. Sellers: And Stafford Junction is right over to the, just south of Truslow Road over here?

Mr. Zuraf: Yeah.

Ms. Barnes: Mr. Apicella?

Mr. Apicella: Mike, in the package, attachment 13, it identifies a community meeting that the applicant had earlier this month. On page 1 of 5, there's a question and an answer. And the question is, will I be able to see the solar farm. And the applicant speaks to planting evergreen trees 3-foot-tall and expected to, you know, grow and mature about 6 years into the operation. But then it goes on to say, if needed, we can plant taller trees along some parts of Enon Road for the neighbors across the street of the project so their view will be concealed even faster. So, so how can we operationalize, I don't want to call this a proffer, but this statement that they're willing to put in some taller trees so that the viewshed for the folks who live along Enon Road won't be as bad as it could otherwise be.

Mr. Zuraf: It would be a matter of modifying the landscape plan and providing some more specifics as to maybe the minimum height of what, of the trees that are installed.

Mr. Apicella: So that's their landscape plan.

Mr. Zuraf: Yep.

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Mr. Apicella: So they would have to revise it.

Mr. Zuraf: Yes.

Mr. Apicella: Okay. Alright, thank you.

Mr. Bain: But we haven't seen their detailed landscape plan yet, have we?

Mr. Zuraf: It's pretty detailed, yeah.

Mr. Bain: Is it? Okay. So it would be something that could be marked up and...

Mr. Zuraf: Yes.

Mr. Bain: Can we, can we proceed as a condition on that tonight? Make that a condition?

Mr. Zuraf: Possibly. I would have to maybe look into it a little bit, and the applicant may can maybe help explain some of the, what they're planning and what they, what they typically plan versus maybe what they could go up to.

Mr. Bain: Okay, let's see if the applicant has some advice on that then.

Mr. Zuraf: And there's different types of trees, too, that have different heights. So it's, it may be a little more complex than just writing something in, you know.

Ms. Barnes: Okay, last call for questions for staff. I think we've got it all. Alright, thank you, Mr. Zuraf. Would the applicant like to come forward?

Mr. Vandenbroeck: Mike, you might have to help me with this.

Ms. Barnes: You can, you can raise that a little bit if you need to where the whole thing comes up.

Ms. Baker: You want to show him how to raise the podium?

Ms. Barnes: Tall people problem.

Mr. Vandenbroeck: In Southern Virginia, it's normally like a fold out table and a projector from like 1983.

Ms. Barnes: Wait a minute... you're dating some of us. Go ahead.

Mr. Vandenbroeck: Thank you, everyone. My name is Justin Vandenbroeck from ESA. I'm one of the co-founders and owners of the company. My colleague here, Cara Romaine, will mostly be speaking on the project details. And then as questions come up, I may take some of the questions or she might take them. But you know, as an owner, we're able to make decisions as it relates to conditions and work with, with the community and folks, so. I hope you enjoy this presentation. But real quick, I co-founded our company back in 2010, a little bit after that. Actually, we started working together back in 2010, but co-founded it in 2017. And now we're at about 80 people, just opened an office up in DC. And I personally just relocated up there. But we do solar on commercial buildings; so manufacturing plants, healthcare

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institutions, cold storage, things like that. We also do community solar, and we do some utility scale solar. So for this purpose of this one, it's community solar. But really happy to be here today. And I'll let Cara take away the remainder of the presentation.

Ms. Romaine: Alright, that should be good. I'll get my notes up. Alright. Alright. Thank you, everyone, for allowing us to give our presentation. So we are here tonight respectfully to request a conditional use permit approval, as well as a Comprehensive Plan approval as well. As Mike just talked extensively about, staff has determined that our request is consistent with both the Comprehensive Plan and the newly adopted solar ordinance. Many of these conditions that you have in front of you directly respond to concerns expressed through community engagement and working with staff as well. And we agree to comply with all of the conditions that you have in front of you, as well as how Justin just said we have the ability to amend certain ones if, if needed. So right here on this slide, we have just a timeline. And you know, Mike just gave the overview of the process that you all were involved in. But, you know, we submitted our application in July of 2022. And we've, you know, been really excited about working with, you know, you all through the adoption of the Comprehensive Plan and solar ordinance, as well as community engagement through the community meeting that we held earlier this month. So again, as Mike discussed earlier, the project parcel is contemplated for Suburban development in the future, you know, and this is also within the Urban Service Area. So, with that said, you know, we have a map here and nearly 30 years ago, this area, and you know, the parcel has remained agricultural, but the entire area 30 years ago was largely agricultural. You see some timber, but that rural character was very strong and predominant in this area. But, you know, as we go ahead 30 years, and as, you know, there was a question about, or not a question, but a statement that, yes, to the west, it is largely Suburban; there's not many areas left in Stafford County that are, you know, still used for agriculture. And so, you know, while there's nothing wrong with Suburban development, it's, it's more of a question of what fits well in this area. And, you know, as the Washington DC metro area has grown and kind of Stafford area has, you know, kind of been brought into that, it's kind of a question of which way do you want to go. So, here is a street view picture of the site off of Truslow Road. And you know, from this picture, you can, you can tell that this area is a rural enclave. You know, there is not, you know, in this picture, there's not much existing vegetation, but you can see that it is, you know, predominantly rural still in this area, surrounding area I should say. And so, when looking at what we have proposed for landscaping, this is what we have in year one, you know, evergreens planted at 3 feet, we have small trees in there, shrubs, and we do have a detailed landscaping plan that we will show you in a minute. So this is year one, like I said. Year three, you can see that the, the project is becoming mostly concealed, you can see the panels a little bit, but, but it's starting to become covered. And then by year six, you know, you, really the panels are largely concealed, like you cannot see them. And, you know, talking earlier about what this project, this site is dedicated as in the future, this is the other likely alternative. This is an image from the neighboring residential area to the west with the fence to the road. And, as I think Mike said, you know, 60 additional cars.

Ms. Barnes: Can you can you hold on for a second? I just have a quick question here. Are you saying that's what, what you think it would look like with the current zoning?

Ms. Romaine: If, if it was Suburban development.

Ms. Barnes: But it's not.

Ms. Romaine: But it's not. It's A-1, correct, yes.

Ms. Barnes: Alright, thank you.

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Ms. Romaine: And so, you know, you've, you've heard us say a lot, what is, you know, that this is a community solar farm. So community solar farms are, you know, smaller in size, they, they differ from utility scale solar in their end use, right. So, with utility scale solar farms, they're on a much larger scale, and the power is being taken away to maybe like a data center. But community solar farms keep the energy local. Stafford County residents have the ability to subscribe is how we call it to the solar farm, and receive a savings percentage on their electricity bill every month. So community solar provides access to those who cannot have solar panels on their roof, or maybe they can, but they don't want to pay for them. And it also provides affordability by providing those savings.

Ms. Sellers: Madam Chair?

Ms. Barnes: Go ahead.

Ms. Sellers: I have a question. How is that, how is that done? Is that done through Dominion?

Ms. Romaine: Yes, yes. It's a state, Virginia State program put on through Dominion Energy.

Ms. Sellers: And so do you guys have an agreement with Dominion now? Like how many numbers of users is Dominion willing to add to allow you to do this?

Ms. Romaine: So this solar farm, it's a 3-megawatt solar farm so it will provide power for approximately 600 homes or businesses. We are in the process of getting an agreement with Dominion. It's called an interconnection agreement, and it's solely for connection to the power lines. And they would, Dominion Energy customers tap into the solar farm.

Ms. Sellers: Right. So how do they get the benefits? So I have solar panels on my house, I'm very, very familiar with how Dominion does. That's why I'm surprised to hear that this could be used to the subscribers in the area and what agreement you have, because in our neighborhood of far more than 600 homes, as more of us started putting solar panels on our homes Dominion started saying, hold on, the lines can't support that. So how do we, I mean, how is this going to benefit the people who were in the surrounding area? Or is it just you guys are adding to the power grid and then is there something that Dominion is going to do to notify them that oh, hey, you're, you qualify for, like... is it a radius thing? I mean, yeah, what's the process here?

Ms. Romaine: Yeah, that's a great question. So we, so I said earlier how we enter into an agreement with Dominion. So we pay for upgrades into the local power lines as part of this agreement. So Dominion does not pay for those upgrades, we do. And so they also are not the ones who will be getting subscribers to the solar farm; that is part of the project owner's responsibility. So us to use a subscriber management company that will essentially like send marketing out to Dominion Energy customers, like, hey, there's this solar farm that you have the ability to subscribe to, that subscription management company handles that person's electricity bill, the savings or the amount that they want to subscribe to the solar farm, they combine the bills, and in the end, the subscriber just has to pay regularly.

Ms. Sellers: So they're, so it's, you're just privatizing electricity, essentially.

Ms. Romaine: Mm-hmm.

Ms. Sellers: And they're going to you kinda like how Aqua does down in Caroline County. They are a privatized water company, which I never knew either until I started getting involved in local government

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where people pay this way. So how do we ensure, right... Dominion's heavily regulated and so how do we ensure that you guys aren't going to increase their, their prices? Like what's, what's going on here? Because now we're introducing a whole new level.

Mr. Vandebroek: Yeah. So this is the policy that was passed by the legislature and signed into law back in 2020. And then the SCC went through the rulemaking process and implemented all the rules and regulations. So to even be an organization that can own operate and subscribe Dominion Energy customers, you have to go through a pretty lengthy like 60, 90 day regulatory approval process with the SCC, which we've received. And then that process, you're further regulated. So there's annual reporting, as it relates to this, there's a ton of consumer protection items in there. So this is a full on like, State Corporation Commission regulated program.

Ms. Sellers: And so it's not, so the subscribers are basically saying, hey, we would rather get our energy from a solar farm than through fossil fuels, but they're not going to really see a benefit in the reduction of like, you know, as, as I have solar panels on my house, my energy bill goes down. And I paid, I think it was like \$15 a month or something because of the taxes. But so they're not going to see that savings. They're just going to see basically, instead of paying Dominion for their power, they're going to be paying you for their power.

Mr. Vandebroek: No, they would see savings. I mean, did you pay yours with cash or do you have a loan or lease on them?

Ms. Sellers: That doesn't matter.

Mr. Vandebroek: Well, I guess contextually, so if you had a loan on solar for your house, right, you have a loan payment, right, so you're still making a payment every month. But that payment, in order for you to even consider doing a solar loan is you would want that loan to be cheaper than whatever your monthly bill is, right?

Ms. Sellers: No, no, no, no, no. So you still have to, the way solar is, in Virginia, right, and they may have changed it, you can have batteries, but you still have to get into the power grid. So my, you have this meter and it goes up and down. And I can't remember which way but it goes into the power grid and then it at the end of the month, it kind of evens out and Dominion says this is how much you added to the solar, the power grid, this is how much you took from the power grid. So here's your bill.

Mr. Vandebroek: Yeah, it's called net metering. So you have a net metering agreement. So that's a little bit different in this one in the context that you are no longer going to be paying Dominion for your electricity. If you use 1000-kilowatt hours that month, you're getting those 1000-kilowatt hours from the subscriber organization that has the community solar project, and the cost of that 1000-kilowatt hours will be typically 10 to 20% lower than whatever the market rate is. And so that's the competitive like reason anyone would subscribe to a community solar project is for the savings, so. A little different, but generally...

Ms. Barnes: I'm going to suggest that we continue on with the presentation, if that's okay.

Ms. Sellers: I mean, my, my only line of questioning is because, you know, they're saying, oh, this is, this is for the people who are in the area. And so trying to sell it as though those around it can benefit from this. But it's not that they're gonna get the benefits of having solar panels. I get benefits of having

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solar panels because my, my power bill goes down. These guys aren't going to get that. They're just, instead of going through Dominion, they're now going through a solar community.

Mr. Bain: Yeah, but your solar panels weren't free. You paid for the solar panels, and you're hoping that the savings on your electric bill are going to offset that cost over time.

Ms. Sellers: Yeah, but these guys aren't doing that benefit.

Mr. Bain: And I think that's the point... oh but they are.

Ms. Sellers: No, they're not...

Mr. Bain: In a way, in a way they are exactly. What they're saying is that the energy they are generating is less costly than energy generated with fossil fuels. And that they will be able to pass on that savings to the residents that subscribe to their particular number of electrons.

Mr. Vandebroek: Yeah.

Mr. Bain: And so it'll be a lower rate than what Dominion would have charged those same residents if the power came directly from Dominion. So it will be a savings. Am I right in that?

Ms. Sellers: So what I'm trying to say is they have this pictured as this neighborhood off, right around this solar community farm here, that these people who live within the vicinity get the benefits of this. But that's not necessarily true. You have to subscribe to their system. And so those people, this appears as though it's going to help those people around. But it's, it's, it's not. I mean, this is basically we're creating an, agree with it or not, you know, this, we're creating an entity that a lot, or the General Assembly created an entity and we're now developing the place for or allowing a place for, for there to be competition to fossil fuel energy, which is fine.

Ms. Barnes: Okay, I'm going to...

Ms. Sellers: But I just don't want it to be taken as this is a benefit to the people in the surrounding neighborhood, because it's not unless they subscribe to it.

Ms. Barnes: Okay, but we're getting a little off track though. I want to get, I want to get more focused...

Mr. Vandebroek: And just to clarify, we're not eluding this. This is just to try and provide a simple diagram of these are subscribers, this is solar, it connects to the power line, you can subscribe to it if you can't put solar on your house – that's community solar.

Ms. Barnes: So let's, let's finish the presentation. And if we still have this discussion when, when we're making motions, maybe that might be a good time to do that, if we need to do that a little bit more.

Ms. Romaine: Okay, um, thank you. Anyway, so just to continue on the presentation. So based off, you know, in speaking with neighbors and the community meeting that we held at Stafford Junction this month, you know, we hear excitement for the this, you know, project coming to the area, but we also acknowledge that there are concerns that we've addressed, and we want to continue to address here. So just some of the concerns involved – visual impacts, noise toxicity, and wildlife safety. So to start with visual impacts, I won't harp on this too much because Mike did a great job. But this is, this image here

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is from our landscape plan that we submitted. So, here you can see that 15-foot buffer a little better. And then we also have some of the examples of trees that, you know, we can plant as part of the buffer. So as we are in compliance with the requirement in the solar ordinance, we have the 50-foot vegetated buffer around almost the entirety of the project. Where we don't, there is sufficient, you know, buffering where the wetland areas are that we will be keeping and maintaining. In condition number 5, we are 105-foot setback from Truslow Road centerline and Enon Road centerline, as well as 75-foot setback from adjacent properties. And as Mike stated, condition number 8, it might have changed since he added some language in there but we will be using anti-glare, non-glare anti-reflective coating on the solar panels. And I know there were some questions about elevation and the section, cross-sections were brought up, so these are the ones that we submitted with our application. So we have a section going from Enon Road and we have a section going from Truslow Road, and we, based off of the elevation and the 50-foot buffer that we have, as well as the setbacks, the, the panels will be largely concealed from, from view.

Mr. Apicella: Can I just ask a question? So again, I'm looking at the view from Enon Road. Those are, the picture that you're showing here, though, those are mature trees. Those aren't the 3-foot trees that you plant on day one.

Ms. Romaine: Correct. Yeah, that, that would be at mature planting. And so another community concern that, you know, is common is what noise is associated with a solar farm. And, you know, as Mike said, there are two common types of inverters, central and string. We are committed and complying with the condition to require us to use string inverters, which will be placed at the end of most of the panel rows. And so string inverters, they only operate, they're only running during the day because that's when the solar farm is producing power at night. They're quiet. And from the setback of 75 feet, which is the minimum setback, they are quieter than rustling leaves. So another question that we, that came up was about toxicity of panels in origination. So but first to start off, the solar ordinance requires that we provide a decommissioning plan that lays out the steps that we will follow at the end of the lifetime of the project to safely remove the project equipment. We have submitted that decommissioning plan, as it is also a condition. We've also committed to not using solar panels that contain cadmium telluride; we will use poly crystalline silicon panels. And lastly, we will not use panels that have been predominantly manufactured in China.

Mr. Apicella: So these are additional proposed conditions. These are not currently...?

Ms. Baker: Actually, if I can interject. Those were some that have been removed, based on our ability to enforce those. I know that they, they propose those, but we're not able to use those as conditions.

Mr. Apicella: So we can't require it, but they're saying that that's what they're going to do.

Ms. Baker: And that's... yes, if they, if they are going to do that, but we removed those from the final version of the ordinance or the resolution.

Mr. Bain: If I could just ask, because it just popped in my head. What is the operational lifespan of a typical panel?

Ms. Romaine: Thirty, thirty-five years.

Mr. Bain: Oh, really? That long.

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Ms. Romaine: Yes.

Mr. Bain: Okay. Thank you.

Ms. Romaine: So lastly, there were some questions about wildlife impacts. Again, Mike, you know, talked to this point. The way that our project is designed is it's broken up in four sections, separately fenced sections, which will allow four areas where wildlife can move naturally through. In addition to that, we did suggest and we are wanting to make it a best practice to use wildlife friendly fencing, which is also known as wire woven fencing. In this picture here, you can see a fox moving through this, this fence section here. So this has been proven to, you know, benefit wildlife and promote wildlife. In addition, as ground cover, we'll be using native pollinator-friendly vegetation as ground cover, as well as in our vegetative buffer. So moving forward to summarize, the Enon Road Solar Project will enable energy access and affordability to folks living in Stafford County and Dominion Energy customers in Virginia. The project preserves existing vegetation, as well as supplementing, you know, robust vegetative buffer along Enon and Truslow Road. And again, you know, staff recommends approval and compliance with the Comprehensive Plan and the solar ordinance. And we have worked with the community to ensure that this project benefits them and the County.

Ms. Barnes: Okay, thank you very much. Do we have any further questions for the applicant? Mr. Shelton, go ahead.

Mr. Shelton: I have a couple questions, one of which the woven wire would, since you said you have the ability to make a decision, would you be willing to change that 6-foot chain link with the opaque slats in it? That would defer the sideview part from Enon Road. So I have a concern with, with that particular aspect. And also, in lieu of the 3-foot evergreens, would you consider immediately starting 6-foot evergreens?

Mr. Vandebroek: And just to clarify, along Enon Road?

Mr. Shelton: Along Enon Road, yes, sir.

Mr. Vandebroek: To your second question, doubling the vegetation, yeah, we will be open, we would accept that proposed condition just because obviously 3-foot is like, well, thanks, guys, like wow, really nice of you.

Mr. Shelton: Especially if you're six foot six, right.

Mr. Vandebroek: You really, really incorporated our feedback, guys. Thanks, really love ESA. Yeah, we'd be open to that. And then the fencing, I would just kind of caution you on that, just the only reason is, you know, when you, when you do a woven wire solid lock fencing, it uses, you know, typically wooden posts that are in the ground, allows more movement has much more of a rural character than like chain link is kind of just like, ugh, like that's pretty industrial looking. And to do a 6-foot chain link on National Electrical Code, then you have to do three strands of barbed wire on top. So I highly doubt folks would want that. I mean, I'd be open to it if it was required. I, if I'm not mistaken, as long as your fence is 8 feet, even if it's chain link, you can avoid the barbed wire to comply with the National Electrical Code like Section 6-9.

Mr. Shelton: I know you talked about movement of wildlife. Primarily my concern is with the, the opaque slats is it you could still leave the area below open for your wildlife moving. But on the backside

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of your property, your wildlife has a freedom of moving coming and going as well as in resource protection areas.

Mr. Bain: I'll just add a comment there though. Putting up chain link fencing with opaque slats right along Enon Road would look like you're driving down Route 1 past M & M Automotive Reclamation, it is ugly.

Mr. Shelton: It would be behind the buffer, Mr. Bain.

Mr. Bain: The 3-foot-tall trees.

Ms. Barnes: Six-foot.

Mr. Vandebroek: Six-foot, we've agreed, we agreed.

Mr. Bain: Oh, now 6-foot – spaced every 10 feet apart. I still think that would be a lot less sightly than the panels that would then be 75 feet further in. I just don't, I don't like that. Sorry.

Mr. Shelton: Thank you.

Mr. Vandebroek: I guess just anchoring in National Electric Code is minimum 8-foot if you're going to do chain link with no barbed wire. If you want to do woven wire, minimum 8-foot. No matter what, any generation facility National Electric Code will require a minimum kind of those alternatives. I did have, I took down some of the questions that you all had for the applicant that you guys kind of deferred for now, if you want me to quickly go through those from the presentation.

Ms. Barnes: Yeah, go ahead.

Mr. Vandebroek: Alright. I guess first just wanted to clarify what Cara said. Yeah, that was 6 houses under A-1 is what the development potential, so that kind of like exaggerated side is more if someone got an approval to rezone to R-1 which obviously happened over the past, you know, 30 years consistently or whatever zoning led to all that development. Clearly, there's a trend towards if your future land use is suburban, a real estate developer does have a good opportunity to make a case.

Ms. Barnes: Maybe, maybe not.

Mr. Vandebroek: Yeah, maybe not. I don't know. They've been offering our landowner a ton of money to just ditch the solar and do housing. Someone asked like how much preservation is being done. So there's 6 acres of existing forested area in the site plan that would remain under the preservation, 2 acres of wetlands that wouldn't be touched. So just quantifying that you got 8 acres that, of wildlife or ecological systems that's not being touched by the project. Hours of operation. Yeah, I agree. Oh, my God, June 21st? That's crazy. And like I said, I just moved to DC, and I don't...

Ms. Barnes: Yeah, that's the summer solstice and that's... inaudible.

Mr. Vandebroek: I don't understand, birds are chirping at like 4:30 AM up here. I don't get it. So yeah, we'd be open to more reasonable operating hours because I would go crazy if someone was driving piles at sunrise. That's not how I'm trying to wake up in the morning. So the good part that I will say about the construction is this project you could finish all the mechanical equipment, bulk of the

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mechanical equipment like the pile driving, the assembly, the racking, the panels, you can do most of that in like 12 weeks. It's a pretty short build cycle. These aren't too bad. So you know, if you want to put more restrictive operating hours, like we'd be open-minded to that, and maybe you just tie it off though that like those hours or something for machinery. Like if it's just electrical connections and like a couple electricians out there doing the inverters, they're going to be, you're not even going to notice them, especially there. You got someone all the way back here, doing electrical work, you know, not allowing them to operate at 8 AM might be a little frustrating on the cost. But, you know, we...

Ms. Barnes: Well I think usually ourlike noise ordinances and operations, 7 AM is usually what we have. If I, is that correct? Okay. That would be 7 AM is a heck of a lot more agreeable than 5:45 in the morning.

Mr. Vandenbroeck: Yeah, I agree. The other thing is just, there was a lot of questions from Commissioner Sellers around like delivery and activities. And, and so just to give some context, for the amount of solar panels you have on this project, that's about 15, 15 semis that you would have deliveries of. You would typically just do that in one day, you'd knock it out, or maybe two days and then have a forklift on the site. That's just gonna, you're gonna come in and you're just gonna pop, pop your pallets of panels in some areas that are just efficient from a labor perspective. So, and then for steel, probably around 10, 15 deliveries as well for all the racking, and then the balance of materials. So it's not going to be like a crazy delivery schedule that's consistent and persisting every day for weeks and weeks and weeks. So you'll have your deliveries come in, and then for actual, the construction team that's going to be building the project come in pickup trucks typically, park typically 2, 3, 4 people in a vehicle, parking in the laydown area and working on the site. So but we're open minded if area one needed to have a driveway, because there was concerns about that buffer or, you know, certain site plan adjustments and traffic notices. I've sat on the corner of Truslow and Enon at like 4 PM, and just sat there for like 10 minutes and was like, wow, there's a lot traffic here. So, you know, we're definitely sensitive to that. And we try to do that when we do a project is like, just sit on the site, and just look and observe what the experience is of the community. So we definitely recognize the sensitivity and, and take any recommendations. Yeah, the and then the last thing in here. And, you know, the other, some folks may not like this, but I know there's a, we submitted a decommissioning plan with a cost estimate. But in every other county that we're working in, they're requiring us to put a bond in place before we start construction. And my recommendation is, and I don't recall if the ordinance states that or just says provide a plan, but we would accept like the requirement to put a bond and I know, I'm like adding 30 - 40,000 dollars a year to the project, but an expense to service that bond. But like, I would just say we're open mind to that so that the county is protecting long term residents when all of us are gone in 35 years, or I don't know, maybe I'm still here. That'd be cool. But right, you want to have some financial surety in place. So you have a lot of places like counties around the state that are having applicants put a bond in place before you pull your building permit, right, and that, that bond so that you can cover the future cost of removal, whatever you've outlined in the decommissioning plan. I just think it's, I don't know, I don't remember if we talked on this during the ordinance development, but I do think it's a good idea. I don't know. He may not like me for saying this but it is, it is something that's more and more required. And I would recommend it added.

Ms. Sellers: Madam Chair, how many panels are on the site?

Mr. Vandenbroeck: It's 4-megawatts of panels, roughly. So, you know, depends on the panels, but I can do a calculator if that's helpful for you.

Ms. Sellers: Yeah, I don't speak cyber at all. I'm a social worker, man. How many iPhones is that?

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Mr. Vandenbroeck: Ten thousand. Call it 10,000 panels.

Ms. Sellers: Okay. And is, how do you guys continue with the maintenance of it, not just so that it doesn't become an eyesore, but that so as technology improves? Like on my panels, we talk about when I, when the technology improves, how do I get somebody out to generate more power or whatever it is? Or if a panel goes out? Like how do you guys monitor what's being collected?

Mr. Vandenbroeck: Yeah. So if you see like the different wires here, each, each one of these wires that's coming in, like on this inverter, has data... each of these inverters have data communication systems inside there and it reads each wire, is it operating within the range? If it's not operating within the voltage or the current ranges, it's going to send an alert through the monitoring system. And then basically, an operation maintenance team will determine hey, is fixing one panel worth spending \$500 in labor, or do we just wait until there's proactive or a preventative maintenance schedule coming up in 6 or 9 months and then you dispatch someone and it's on their list of maintenance activities. So everything's monitored intelligently and these inverters, you have data communication systems, usually cellular plans, all that reports to a primary portal and you have a dispatching and alert system. So primarily monitored remotely, obviously, for landscaping, you do that on some reoccurring to four week basis, depending on the rainy season or dry season and what's required with the site. In terms of like repowering a project, there's some projects now they're like 20 years old in California where some folks still have the interconnection agreement. They have access to the land for another 15 years. And they're refiling new permits to decommission the system and rebuild a new system with like, that panels... those panels maybe were 100-watt panels 20 years ago, and now they're 500, 600-watt panels. They're contemplating that but for this project, given where we are in the evolution of our industry, it's unlikely that we'll repower it. But, you know, if we did it would be required to do a whole new process.

Ms. Barnes: Okay, I want to, I'm going to let Mr. Shelton have one last question, but I want to get moving along. We're getting late and we still have a couple more. Mr. Shelton?

Mr. Shelton: The string converter is a failsafe process, you're saying it's constantly monitored?

Mr. Vandenbroeck: Yeah.

Mr. Shelton: So how would someone know that you're in the default or a problem with that once it reports? You're gonna have someone local as a subcontractor to respond to check it out?

Mr. Vandenbroeck: Yeah, always. Yeah, indeed, always. You know, one of the better companies out there in Charlottesville has a huge operation and maintenance center; they manage literally, probably, I would say, like 10,000 times this projects worth of size of solar panels around the country. That's a provider that's an option. Actually, Cypress Creek is one of the bigger ONM providers and has an operation I believe in Asheville, or at least Pine Gate does. And so there's different ONM providers that are in the region, luckily, because North Carolina had a huge solar boom. In the past, there's a lot of workers, a lot of operation maintenance companies, a lot of really...

Mr. Shelton: The reason I ask, I wouldn't want out first responders going in and messing with your string inverters.

Mr. Vandenbroeck: Yeah, and, you know, we'll do the proper training and stuff. But, you know, an inverter goes down, or, you know, the probability of something like that is unlikely. It's not like a flammable product, or a combustible product, right, like a lithium ion container of batteries, right.

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Mr. Shelton: Hopefully not.

Mr. Vandenbroeck: No, I mean, it's not and I, I've, I've installed these physically myself and shocked myself. It's sucks but it's, it doesn't just blow up. And I have one of these on the side of my house. I've had solar for 5 years, so it's not...

Mr. Shelton: Thank you.

Ms. Barnes: Okay, thank you. I think we're good. Let's wrap this up, unless somebody has something that they're dying to address. I think we've, we've addressed everything. Thank you very much, sir. So I will go ahead and open up the public hearing on this agenda item. This is an opportunity for the public to comment on this solar farm. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left. And red means that your time is up. If you would like to address the Commission, please go ahead and come on up. You can line up if you'd like or just come on up at a time. Welcome.

Ms. Hanson: Mary, Truslow Road, Falmouth District. I am opposed to the solar farm being proposed at Truslow Road and Enon Road. This proposal is in violation of Policy 2.6.7 as the property in question is in close proximity to my residential neighborhood, as well as England Run and Falls Run. It has recently been used as farmland, contains streams and wetlands, and lacks sufficient natural buffers to block the obtrusive view of the proposed 7,500 plus solar panels. I object to your proposed 6-foot security fencing, which may or may not include barbed wire or razor wire like that of prison facilities, and low growing natural grasses. Neither will be sufficient screening to cover the visibility of 14 plus foot-tall panels. Nearby residents should not have to wait 6 plus years for trees to mature enough to block the unsightly view of this solar farm. This project is scheduled to last for 30 to 40 years. We can't possibly know what the condition of this land will be after years of use and exposure due to location variables. I am sure we all remember the Erin Brockovich movie. I question the selection of the location. Would a solar farm be considered if it was located near Augustine, Aquia Harbor, or Embrey Mill? No. We chose to live in a serene rural location like Truslow and Enon Road, but somehow that makes it okay to build this monstrosity in our front yard. I question the impartiality of the appraisers hired to assess the impact of, to the residents. In a court trial, each side is able to hire an expert witness to support their cause. Business dealings are no different. I also question the sudden need for a solar farm. I attended your joint data center meeting during which it was said that the County had plenty of energy and water to support the requirements of the centers. If that were true, why the sudden need for the solar farm and the additional water tower that is being built next door. Going green does not mean chase after revenue. It means preserve the environment. Turning agricultural land into a solar farm with prison fencing is not preserving the environment. Foreign countries are buying up farmland all across the country. We need to preserve our agricultural land before it is too late, or we will be eating nothing but fake food that was formulated in a lab. Place the solar panels on the rooftops of industrial buildings, like the Amazon building at the Mountain Road View Complex. I am sure you could cut a deal. Help our community and veterans by offering the land to be used by the Veteran Farmer Program. This would be a great tribute to our military families considering the proximity to Quantico. Most of us moved to Stafford County because it is rural. And we wanted to escape the hustle and bustle of DC. Why did you choose to move to Stafford? How would you vote if the solar farm was going to be built near your home that you sacrificially invested in over the years? Thank you.

Ms. Barnes: Thank you. Come on up. Welcome.

Mr. Gabriel: Thank you. My name is Lester Gabriel. Okay, first of all, I was not able to download the...

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Ms. Barnes: Sir, can you pull the microphone over? It is a little easier, thank you.

Mr. Gabriel: I was not able to download the agenda packet for this meeting tonight. I think there was a broken link. And I don't know if it's been fixed yet. So I'm missing some details I think that I would like to have. I was able to find a online copy of the conditional use permit request. But it may have been an old one, because the one I read I thought suggested that the panels would come from China. Although from what I saw tonight, they are predominantly not made in China. I'm not sure what predominantly means, if that means more than half. But in any case, something else I saw in there and maybe this is out of date, but there was no traffic analysis done because apparently there was not enough traffic car count in order to qualify for that. I'm not sure what the qualification is. So I would be concerned about what the biggest heaviest truck that would show up on Plantation and Enon and Truslow Roads. I mean, there's going to be at least 100,000 pounds just in the solar panels themselves, not counting all the other equipment that will need to get trucked in. So I think you need to look at what is the heaviest trucks that will be coming and what will that do to, to the existing roads. And finally, I would like to know if the, the Planning Commission will respond to email questions from, from citizens. Thank you.

Ms. Barnes: Thank you. Would anyone else like to come up and speak?

Mr. Brindise: Good evening. My name is Mark Brindise. About six months ago, I was given a notification to go down to the Stafford County Library over on, on Plantation Road. And they showed a completely different map. The map that they showed at that pla... at that time was... I live on 450 Truslow road, right across from Virginia Avenue. And there's a, there's supposed to be solar panels right behind my house and an access road that goes right beside my house, right where they have the sign advertising this meeting. Is that, is that map still?

Ms. Barnes: Yeah, this is... yeah, I'm gonna go ahead and tell you that's the next public hearing that we're gonna have. This is, it's a little confusing, this is a Enon Solar Farm. You're talking about the next one that we've got is Kinglet Solar Farms. There's two solar farm applications tonight.

Mr. Brindise: Oh, I'm sorry.

Ms. Barnes: Not to confuse you, but be patient with us, have a seat.

Mr. Brindise: And that'll be tonight.

Ms. Barnes: That'll be tonight. That'll be next. I promise.

Mr. Brindise: Alright, thank you.

Ms. Barnes: Thank you. Welcome. Hello.

Ms. Firrell: Hello. Thank you. I'm Suzan Firrell, and on that little yellow thing in the left corner, it's part of that Falls Run development. I don't speak for Falls Run, but as soon as this came up, we have an email group and there were a lot of opinions on both sides about this. So I felt it was important that I come in, say that I do support the project. We're developing a lot of different things in Stafford County, and we need to develop the infrastructure. And I also feel we need to look to the future for our children and provide more sustainable and renewable energies. And also, I do like the fact that it is a smaller community project. I think it's fair to spread the... have smaller ones throughout the community rather than a huge one in one spot. And we all have to share moving forward and building that infrastructure.

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And so that's really all I had to say was, I think it's a good idea, and I hope for my grandchildren, we can keep doing a lot of things that help look to the future. Thank you.

Ms. Barnes: Alright, thank you very much. Good evening. Welcome.

Ms. Musselman: Good evening ladies and gentlemen of the Planning Commission. I'm Linda Musselman. In addition to speaking for myself and my family, I'm speaking for some other families, too; Mr. And Mrs. Michael Hicks, Mrs. Cynthia Larson, and Mr. And Mrs. Michael Riley. I've lived in this area for over 40 years. When I first moved here, 40 plus years actually, when I first moved here, it was a very rural area. It was all farmland. There were very few houses. There were three facilities in the area, one was McWhirt Store, one was Enon Community League, and the other one was Hulls Church. All three facilities are still there. They have different uses now. Stafford Junction's taken over Enon Community League. They deal with children from Stafford County. And McWhirt Store is now a residential facility and the church is still functioning as a church. Over the years there, many residents have been added to this area. It's changed completely from a rural area to a residential area. And it's my beliefs that the solar farm does not belong in a residential area. Although it's compliant with the Comprehensive Plan, I believe it's in an, it's an inappropriate location for it. So I would ask you to deny this application. And I thank you for your time and attention.

Ms. Barnes: Thank you Ms. Musselman.

Mr. Cox: Good evening. My name is Philip Cox and I live just off Truslow Road. First, I'd like to say I am in favor of solar power, the whole concept. But I just think it is, for the current proposal, is in a highly inappropriate area. The former governor of Texas, Ann Richards, once said you can put lipstick on a sow and call her Monique, but face it honey, it's still a pig. And that's what we have right here now. The surrounding area, I don't know where people keep seeing, it is a rural area. Where the proposed solar farm is is in a suburban area as evidenced by Falls Run and... excuse me... England Run, which is right across the street. Across the street from Truslow Road is the Stafford Junction. Right behind that, that thin strip of trees, is England Run. When all those leaves are off the trees you can see all the townhouses, or the villas, of England Run... I mean, not of England Run, of Falls Run, all down through that property. So that looking at the maps that showed that far left-hand bottom corner of the yellow development is all of Del Webb's Fall Run. It is right across the street. Apart from that you have England Run, which is on the other side of Plantation Drive, going up that whole left side of Truslow Road. So, and then even when you go down Truslow Road, or Enon Road towards Stafford High School, even though it's not dense development, like, say England Run, it is all built up. There are subdivisions and existing houses that have been there. It is hard, you're hard-pressed to find another piece of property around there to even develop for a single-family house. So anyone saying that it's a rural area... *inaudible*... out to drive around it or drive through it or live there like we do every day. The only area that is not... it's just that area and that area down towards Stafford High School is rural; the rest is developed. On the south side of the, I guess the south of the east side of the whole thing from Truslow Road down the backside is the location of the proposed Musselman Park. So that... we are all overjoyed to see that park proposed for the area because of it basically being a more rural or a more pedestrian park, not filled with swimming pools or soccer fields or anything like that. Now you're gonna have a solar farm backed right up along the entire left-hand edge of that park. The other reason that it's a highly inappropriate area is if anybody has traveled up and down Truslow Road or Enon Road, you know how much traffic that has now. It's handling traffic that was never proposed for and never anyone really expected. Thanks to GPS, Enon Road is now a hugely traveled road as a shortcut between Route 1 at Stafford High School to 17. Tractor trailers come down it. I had a tractor trailer come in my driveway today thinking my driveways entrance to England Run. I get that, it's a quarter mile long driveway and

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it's named, but their GPS is wrong. I get this repeatedly. But my point is being is that the amount of traffic going up and down those areas, oh, going up and down those roads...

Ms. Barnes: Sir, I'm going to have to ask you to wrap it up please.

Mr. Cox: Plus, with all these developments, it is just not a rural area.

Ms. Barnes: Thank you.

Mr. Cox: I just don't get that.

Ms. Barnes: Thank you very much.

Mr. Cox: Thank you.

Ms. Barnes: Okay, anyone else would like to come and speak? Good evening, and welcome.

Ms. Parkinson: Hello, I'm Patricia Parkinson. And I'm just researching info about the solar farms. I lived in Spotsylvania when they built that one and the ruckus to get it built was tremendous. But my major concerns are about being in the urban area now of Stafford that we have schools here. We have, you know, people in and out constantly all day. And I'm concerned about the electromagnetic waves and icons and everything that are traveling in the air with the, you know, energy absorbed from the sun through the solar panels. And I'm just concerned about, you know, what is the lifelong expectancy? Will the children be getting cancer, you know, things of that nature? And yet, I'm a solar, you know, trying to make easier and less expensive ways to get solar energy for homes. But that's what I have to say.

Ms. Barnes: Thank you very much. Anyone else like to come forward? Okay. I do not see anyone coming forward so I'll go ahead and close the public hearing. And would the applicant like to get up and respond to any of the questions or issues?

Mr. Vandebroek: Again, I just want to reiterate, we're, we're open minded to increasing that vegetative buffer. I heard a comment to Stafford Junction, and I don't know if it was in our application or they emailed it, but they do support the project. I believe we did receive a letter of support for the project. And we've been working closely with them to just be a good neighbor given the impactful work that they do in the community side.

Ms. Barnes: Okay, thank you very much. Alright, I will go ahead and bring this back to the Commission. And, Mr. Shelton, this is in your district. How would you like to proceed?

Mr. Apicella: Madam Chairman, before Mr. Shelton chimes in, I have a couple of questions for staff. If that's alright.

Ms. Barnes: That's fine with me.

Mr. Apicella: Mike, I thought we had a provision that we were considering, I'm not sure what happened to it, about a bond associated with decommissioning. Would that be, would that be subsumed in the agreement? What happened with that?

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Mr. Zuraf: I'm not certain it might be linked back in with state code requirements. So I would actually have to, I'd have to look into what, how that, how that applies, if at all. Yeah.

Mr. Apicella: Okay. The applicant indicated that they'd be willing to move the proposed access road to negate the need for that reduced buffer. How would, how would we, how would we make that fix? How would that work?

Mr. Zuraf: I think we're gonna have to have the plan modified to show where the new access point would be. And then also, the whole purpose is to increase that buffer. And so, you know, the plan would need to be amended.

Mr. Apicella: Okay. And the last thing is, there was some discussion about the fence and what kind of fence the applicant I think, said that if it were an 8-foot tall fence, and I don't know if it applies to whether it's a chain link fence or whatever that fence is, the one that they proposed, that that would negate the need for barbed wire at the top. Is that the case? So again, how would we, how would we implement that? Would we make a tweak to the conditions to allow for an 8-foot tall fence? And is that permissible?

Mr. Zuraf: Yeah, it's in the A-1 zoning district. Fences can be up to 8 feet tall as long as they're not in the front yard setback.

Mr. Apicella: So we don't even need to say 8 feet tall, that can do...?

Mr. Zuraf: I guess it would just, yeah, then if, yeah, if... they would just have to follow the code, which would be 8 feet. But if you want...

Mr. Apicella: They could do something lower than 8 feet.

Mr. Zuraf: Yeah. So it would be a condition.

Mr. Apicella: So if we wanted to have a condition and make sure it's 8 feet and, again, mitigate the need for barbed wire, we can specify that in the condition.

Mr. Zuraf: Yes.

Mr. Apicella: Okay. Thank you.

Mr. Zuraf: Mm-hmm.

Ms. Barnes: Okay, so, now I'll bring it back to Mr. Shelton. This is in your district, how would you like to proceed?

Mr. Shelton: Thank you. I have some serious concerns about the traffic as some of the folks have talked about. I've lived in Stafford all my life. And as a retired Fire Chief, I've run many accident on Enon and Truslow. So I have some concerns there. But I also want to look positive at the aspect of modernization of, of energy and our infrastructure. So for condition of getting comments from my colleagues, I'd like to motion to approve PRC23-09 and R23-169 for discussion with a condition of changing the buffer from 3-foot immature evergreens to at least 6 feet tall evergreens, and also the fencing mechanism. I'll concede on the chain link aspect of it for that aspect. But I think we need to be extremely careful with how close we get to Enon Road.

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Ms. Barnes: Mr. Shelton, I think we need to do these, and when we do the voting, we need to do one at a time. So let's just do number one, the Comprehensive Plan...

Mr. Shelton: PCR23-09, motion to approve.

Ms. Barnes: Okay, motion to approve. Do I have a second?

Mr. Martinez: Second.

Ms. Barnes: Okay.

Ms. Sellers: I have a comment.

Ms. Barnes: Alright. And now we can start talking about it.

Ms. Sellers: Alright, I don't think it's much of a surprise that I do not feel this is an appropriate location for this. I don't know how we have defined rural verse urban verse suburban. But I am going to disagree with the categorization that this is a rural area. This is not a rural area. This is at best a suburban area. But for Stafford County, again, I would, I would put this as a densely populated part of the County. I travel there three times a week. My son goes to gymnastics right there off of Nelms Court or Nelms Circle. Let me tell you, I travel there every single day. I see the traffic, it's there. So I'm going to be voting against this. And I hope we establish some sort of criteria to say what is rural, what is suburban, and, I mean, we have conical zones for the aircraft that fly into the airport, we probably should start talking about, you know, some sort of zones that we use to determine those things, too.

Ms. Barnes: Okay. Any other discussion?

Mr. Apicella: Madam Chairman, respectfully, the question in front of us is whether or not this proposed facility is in compliance with the Comp Plan. And the Comp Plan was amended to allow for solar facilities. Staff indicated that it complies with the provisions of the Comp Plan that just, all the changes that were just made to the Comp Plan, or most of the changes that were made, associated with solar facilities. So on that question alone and separate and apart from the CUP, I see that it is in compliance and will support at least this part of the two pieces. I would also ask my colleague, Mr. Shelton to consider potentially deferring the second one to deal with the buffer issue at that one location because it can't be fixed tonight, and I don't think we can create a condition to fix it. So I respectfully ask that maybe he consider that.

Ms. Sellers: Madam Chair, I have a question. Who on this Planning Commission knew that we had an application for this corner when we updated the Comprehensive Plan? Did we know... I know I didn't know, I wasn't on that committee. But I do feel like if we knew this was coming, that that's a whole different conversation with the community and they should have been involved. I, again, did not really participate in that. So I don't know if these guys participated in it. But if we knew those applications were in place when this happened, and we had members of the Planning Commission on a subcommittee to oversee Comprehensive Plan updates, and we knew this application was in there, did the public know that we had that information? I did not have that information. So I'm asking for myself, too, because I'm kind of standing back like, whoa, we made updates to a Comprehensive Plan when we knew an application was there, and now we're going to approve it? I don't know about that.

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Mr. Apicella: Madam Chair, once again, Ms. Sellers has made an assertion that is off base. The Board had a joint public work session and asked us to work towards Comp Plan and ordinance changes several months ago. It was an open process. Our meetings were open to the public, we had members of the public there. So I don't know what you're talking about. Yes, there were two projects in and those two projects pushed the Board to have that initial joint work session, and to ask us to develop Comp Plan and ordinance changes.

Ms. Sellers: Well, I'd like to FOIA some emails.

Mr. Apicella: You were a member of this Planning Commission at that point in time.

Ms. Sellers: I'd like to FOIA some emails to see if you knew that this was coming in, and if you still did this and we didn't tell the public, because that is not fair.

Mr. Apicella: When you say didn't tell...

Ms. Sellers: That is the part.

Mr. Apicella: I don't understand what you're...

Ms. Sellers: That is the part that is not... *inaudible*.

Mr. Apicella: I do not understand what you're talking about.

Ms. Barnes: Okay, wait – one at a time. Mr. Apicella has the floor.

Mr. Apicella: Again...

Ms. Sellers: It was your subcommittee.

Mr. Apicella: It wasn't *my* subcommittee, it was our subcommittee. You were a member of this Planning Commission when Ms. Barnes established the subcommittee. You were at the work session that we had with the, with the Board of Supervisors. And I believe at that work session, it was mentioned that there were two projects. Irrespective of that, when we develop Comp Plan and ordinance changes, it doesn't have, it does not specifically address applications that are in the queue.

Ms. Sellers: Oohhhh, I, but again, it's, it's what is, what are we putting out to the public, right? Like we spend, and so many of us in this room have spent so many years working and building relationships with the community. And this is what people get mad about. They get mad that here we are, and you say, oh, we just updated our Comprehensive Plan. And you knew this was on there. I didn't know that. And that should have been notified to the public that we were discussing it and that it was going to be in there because that changes the entire conversation.

Mr. Apicella: Ms. Sellers, you should pay attention to what's happening with the Planning Commission.

Ms. Barnes: Okay, that's...

Ms. Sellers: Mr. Apicella, I would like to see your emails and I would like to know if you knew...

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Mr. Apicella: It's been on the pipeline.

Ms. Sellers: ... because it sounds an awful, like...

Mr. Apicella: I'm happy to give you my emails.

Ms. Sellers: ... like you knew this was coming down the pipe, and why did you not bring these people in and let them know that this was coming? Why would we make changes to a Comprehensive Plan?

Mr. Apicella: Because the Board asked us to.

Ms. Sellers: Specific...

Mr. Apicella: And the Board knew that we had two projects in the queue when they asked us to do this. It was an open public process. Our meetings were open to the public. They were advertised.

Ms. Sellers: There's a difference between, and again, it comes back to other conversations we've had where we have this perceive, this perception of openness. But we're not telling the public everything that's going on. That's not fair.

Mr. Apicella: You are making a totally false allegation.

Ms. Barnes: Okay, let's...

Ms. Sellers: I am not. I am not. I've been up here as long as you have, sir. And let me tell you, it's not new. But the public needs to be informed. And that requires the District Planning Commissioner, and those in the surrounding area to actually engage them on the actual conversation. Not just say, in very general terms, we're doing something. Have hard conversations. Sit down in the room and say, you're a community, do you know we want to put 10,000 panels right behind your house? That's the conversation that I bet you these folks would have liked to have back in September, not sitting here at 8 o'clock at night.

Mr. Apicella: Ms. Sellers, I'm not running for office, and I'm not grandstanding.

Ms. Sellers: I'm not running for office either.

Mr. Apicella: I would just say that again, as a member of the Planning Commission...

Ms. Sellers: I'm not running for office either.

Mr. Apicella: ... you should be paying attention to what we're doing.

Ms. Barnes: Okay, guys, I'm about to cut your mics. We've got it. We got it. We got, we understand it. And we're probably going through something that's very similar to right now with the data centers. We've got subcommittees and we're doing the things on the data centers, and we've got two data center applications in front of us. And I don't think any of us are hiding anything, at least in my mind. I'm working totally 100% in, in, in the trust of the public as far as I can tell. But let's, let's move on. If there's any other comments, I do have a couple of comments. Mr. Shelton, I'm gonna make some comments. You want to make them last or?

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Mr. Shelton: *Inaudible.*

Ms. Barnes: So, interestingly enough, I agree with Steven that this, I think that we, at least from my perspective, we did that subcommittee and that joint work session in good faith. But, I actually am not going to support this. I don't think that this is completely consistent with the Comprehensive Plan and, it's one of those things where, you know, you've got the good and the bad and you have to just figure out where exactly that you fall on this. I think that this is in a suburban area, it's inside of the Urban Services Area, even though I know we have a little bit of a qualifier for that. There's a couple of things that, that just really aren't on the side of this project. You know, the agricultural soils, like I said, the location of the Urban Services Area. I don't think it's an appropriate area for a solar farm. I completely understand why these folks are worried about it. I think it completely changes the character and established pattern of the area. One of the things that, especially, everybody knows that I'm, I'm a person who considers myself an environmentalist. I'm very green and I do generally think that these, that we've got some good things going on with solar, with the solar farms. But, one of the things that I come back to constantly is is we need to make sure that our desire versus sustainability does not come at the expense of the quality of life of the folks of the surrounding area. So, for those reasons, I just don't think it's the right spot for this. I understand why the application is there. And I understand that there are some good, good things happening. And I'm glad that there's going to be some, you know, that if this does go through, there's going to be some conditions that I think that at least if it does go through, folks, it's going to be a little bit better. But once again, I am unfortunately not going to support this one. Thank you. Okay, anyone have anything else to say? You want to go ahead?

Mr. Shelton: No.

Ms. Barnes: No? Oh, hello Dexter. Go ahead Dexter.

Mr. Cummings: Yeah, hi. So I'm in favor of this, of solar and the comments that were made here. And I do partially agree that we have a trouble with not necessarily transparency, but community engagement. And it's something that we've always, I've been talking about and trying to get us to address, and hopefully we'll be moving in that direction very soon. And we'll find a solution that does allow the public to get as much information that they need, and potentially and hopefully, the Planning Commission could be an integral part of that, as it should be. And because we are responsible for giving them and being their voice in the planning of our community on what I'd like to say on, you know, after the process. They should be engaged in the process. The second part of it is that renewable energy and sustainable solutions aren't just a nice to have; they're almost a requirement nowadays. And they are a requirement of good development and good planning. And I think some of what we and you can't do good planning, we can't do good planning, without the community involved. But we also can't do it without, without looking at and embracing the technology and the innovations and the need that we have. So we need to, to look at this thing holistically when we make these decisions. And, and I think that's the part that gets lost. I think we're all, or not all, but there's a compartmentalization here. And we need to look at it holistically; what's good for the County and what's good for us in the future. Not today, but in the future. And, and so again, I'm going to be supporting this. And I think this is a kernel of truth. And a lot of things have been said here. But I think our approach has to be about what's good planning on going forward. And what's good planning practice.

Ms. Barnes: Okay, thank you, Dexter. Alright. I think we've exhausted this. Any more comments? Okay, please cast your votes for Comprehensive Compliance Review for the Enon Solar Farm. Okay, and that passes 5 to 2 (*Ms. Sellers and Ms. Barnes opposed*).

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Ms. Baker: Did you get Dexter's, Dexter Cummings' vote?

Ms. Barnes: Oh, Dexter, how do you vote? He said he's gonna support it.

Mr. Cummings: I vote yay.

Ms. Barnes: Okay. I assumed. Okay, so that does pass 5 to 2. Congratulations. Six to two? Wait a minute, 5 to 2. I've gotten the math wrong before so I'll listen to that. Okay, so, Mr. Shelton, let's move on to conditional use permit for the Enon Road Solar Farm. How would you like to proceed on that?

Mr. Shelton: Motion to defer R23-169.

Mr. Apicella: Second.

Ms. Lucian: We need a date specific.

Mr. Apicella: Can we defer to the next meeting? I think it's June 14th.

Ms. Barnes: Does that work for you?

Mr. Shelton: It's fine with me.

Ms. Barnes: Okay. And we have a motion to defer to June 14th and a second by Mr. Apicella. Any further discussion?

Ms. Sellers: I have a comment.

Ms. Barnes: Go ahead, Ms. Sellers.

Ms. Sellers: I don't think we need to defer this because I don't think it's a good project. I don't think this is where it needs to go. I think it's inappropriate. The gentleman who came and talked about a transportation impact study, you're absolutely right. We need to look at transportation in this. We have a high school on, on Enon Road, we're going to have another one here in the next few years. You guys deserve to know what traffic looks like in your neighborhood. You deserve to have the County and the state actually give you a plan of how we're going to ease congestion there. That is true. And to the woman who asked what would happen if this was being built in Embrey Mill? Oh, there would be a whole lot to say, let me tell you. I live in Embrey Mill and it would not go down? Absolutely not. I also think it's not, you know, this idea of community solar. As a member of the Board of Supervisors, I served on the GWRC, the Planning Commission for our region, and spat with our friends down in Caroline County. They have something called privatized water through Aqua, I believe is the name of the company. And it was sold to them very similar to what it sounds like this community solar is, which is not what I thought it was during the subcommittee, by the way. I thought it was just a smaller plot that would go to Dominion and do thing. But with Aqua, these folks were told, oh, it's gonna be an alternative to public utility. And what it has ended up doing is costing them tons and tons and tons of money. We're talking \$500 to \$1,000 a month. And so I believe that this... I hear what you're trying to do. I'm not buying it. I hear that you're trying to sell it as this as a community benefit to these people. That is not accurate. These folks will still have to go through Dominion and do some sort of thing with Dominion. I'm just not buying it. And I think if it was that this was a community solar plan to support the 600 houses around it, absolutely, I'd be here for it. But I would want to see those 600 houses around

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it support it, tell you they were going to tie into it, and come up with some sort of cost savings to them throughout the duration of the project. Because that's what community is. Community is not oh, we're gonna sell you something to maybe have a benefit to 600 subscribers who don't live here. Right? That's not a community benefit. That is something else. And so I do not buy it. I do not like the transportation impacts. I do not like the way it looks. I do not like it that close to a park. And not just the high school. We also have Chichester Park right there, which is, which the sponsors, which is one of the hosts to the Little League World Series. Like that's what we're trying to do in the area, not a community solar project.

Ms. Barnes: Okay, thank you, Ms. Sellers. And I, and I just have a quick comment, too. I didn't support the Comprehensive Plan Compliance Review, but I will support this because if this is going to go forward, I think that if we defer it, at least we can maybe make some improvements so that when it does go to the Board of Supervisors, and if there is a possibility that it passes there, that it's a better, it's a better application. So then I will support it for that. And with that... go ahead.

Mr. Zura: Just for clarification, on what specific changes you're looking for with, with the... when we come back?

Mr. Apicella: Madam Chairman, I'd like for staff to research the issue of the bond and potentially consider a condition related to the applicant providing a bond associated with decommissioning. The applicant indicated that they would be willing to modify their plan to move the access road to negate the need for the reduced buffer. And I think we were talking about a condition for an eight-foot-tall fence.

Ms. Sellers: *Inaudible, microphone not on.*

Mr. Shelton: Also the vegetation buffer.

Mr. Apicella: Oh, and right, the six-foot-tall trees along Enon Road.

Ms. Barnes: So, and that's a good question Ms. Sellers. I already closed the public hearing. I don't... is there a desire to keep it open? I mean, I've already closed it so; it sounds to me like, I'm not sure that it's necessary. But, Mr. Shelton, how would you like to do that? Okay.

Ms. Sellers: No, my point... this would be a point of order. I would like some sort of guidance on does it need, especially with the bond? I mean, if we're requiring them to do some sort of bond, would that not need to go back to public hearing and be re-advertised?

Ms. Barnes: Ms. Baker?

Ms. Baker: We did not... the ad did not include a condition for the bond. But it is a state code requirement. So it's still required regardless if we have a condition or not.

Ms. Barnes: Okay.

Mr. Apicella: So, again, that's the research. And if staff determines that we don't need it, then we don't need it. That's what I asked for, right. I didn't say specifically, we must have a condition; I asked for staff to research it so.

Ms. Barnes: Okay, so we have the conditions. Good to go on that? Okay. Cast your vote, please. And Mr. Cummings, how do you vote?

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Mr. Cummings: Yay.

Ms. Barnes: Okay, and that passes 6 to 1 (*Ms. Sellers opposed*). And we'll see you back here in a couple of weeks on June, is it June 14?

Mr. Apicella: Yes.

Ms. Barnes: Okay. Alright. Thank you very much. Alright, round two. Let's go to item number 3, the Comprehensive Plan Compliance Review for Kinglet Solar. and for that Mr. Mike Zuraf is back up.

Mr. Martinez left the meeting.

3. COM22154577; Comprehensive Plan Compliance Review – Kinglet Solar LLC – A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for a proposed solar energy generating facility on Tax Map Parcel No. 45-220L (Property), zoned A-1, Agricultural. The Property consists of approximately 171.36 acres, and is located on the north side of Truslow Road, approximately 250 feet west of Locust Street, within the Falmouth Election District. **(Time Limit: July 23, 2023)**
4. CUP22154578; Conditional Use Permit – Kinglet Solar LLC – A request for a conditional use permit (CUP) to allow a public utility, specifically, a solar energy generating facility, within the A-1, Agricultural Zoning District on a portion of Tax Map Parcel No. 45-220L (Property). The Property consists of 171.36 acres in total, and is located on the north side of Truslow Road, approximately 250 feet west of Locust Street, within the Falmouth Election District. **(Time Limit: September 1, 2023)**

Mr. Zuraf: Alright, if I can have the computer please. Sorry, I'm getting organized here. Okay, so I'll present the next two items combined, if that's okay. Again, similar to the last case, a Comp Plan Compliance Review and Conditional Use Permit. This is a project known as Kinglet Solar. Same thing, you have the same types of requests for the Comp Plan Compliance Review for the solar facility. And then the use permit to allow a solar facility also in an A-1 zoning district. This is a single parcel, a larger parcel of 171 acres in the Falmouth District. Jeff Johnson with Kinglet Solar as the applicant, Patrick Harper is the primary contact, and the property owners are the Chichester brothers. So here's the location of the site. It's on the north side of Truslow Road approximately 250 feet west of Locust Street. Also here's the zoning of the site. The adjacent... you can see the again A-1 zoning is the light shaded green, the light green shading, and you have adjacent property zoned A-1 as well to the north and east, and R-1, Suburban Residential is to the south, and Interstate 95 to the west. The property is undeveloped. It has a mature tree cover on the site. The topography of the property includes gradual slopes on the southern half of the site, with steeper slopes on the northern half of the site there the terrain slopes down towards Claiborne Run. Claiborne Run includes wetlands, 100-year floodplain, and Critical Resource Protection Area. And then there are also some intermittent streams that bisect the site the feed into Claiborne Run. The site plan shows how the property would be developed on the site. It identifies the solar panel arrays grouped into a single fenced compound, and that is on the southwest end of the site. And that's kind of divided into two sections that split by an intermittent stream with wetlands. The panels avoid impacts to the wetland area in this concept. And the project area for the facility, it covers 39 acres of the total site, and that's 23% of the, of the total site. Here's a closer view of the facility. The main entrance would be off of Truslow Road through a separate parcel with a gravel access road through, through leading to the to the facility. The area inside the fence includes... inside the fencing including in and around the solar arrays would be planted with low growing native grasses. There are several

buffers proposed to be provided around the facility on the southeast side. And let me mark this out. On the southeast side you have through here a 500-foot setback that includes 450 feet of tree preservation buffer area and a 50-foot clear area outside the fence. The southwest side you have a 300-foot setback that includes a 250-foot tree preservation area and 50-foot clear area. The application identified a 100-foot setback from Interstate 95, and that would kind of help to address this area. But we've, it's noted in the application the applicant was working on trying to prepare a visual kind of impact analysis in this area, and that he's, the applicant will be talking about that tonight. I guess they have more information to share. And that area where the facility gets close to 95, that portion of the property was taken by VDOT for the HOT lane expansion, and that's an actual, the actual area where there's a flyover being constructed. And so there's a large kind of ramp that will actually be in that spot that will be adjacent to where the facility is proposed closest. And the applicant is, is suggesting that a 50-foot buffer here would be all that would be needed. And the modified conditions show that and it also shows that in that 50-foot setback area, they would work to retain what trees are still there, and then add a row of evergreen trees kind of to add to the screening along the, along that area. So that's one of the modified conditions that you receive tonight about the buffering. And this... the setup of the facility is the same as the last, as the Enon site where you have the panels mounted on parallel racking systems; they go in a north/south alignment; they are on a tilting access that rotates throughout the day. And then in this case, the panels would extend up to 15 feet tall at the highest point. And then in this case, the power would be collected by either string inverters or central inverters due to the bigger setbacks from adjacent homes. We are recommending a condition that if there are any central inverters, they be at least 700 feet in from the closest property lines with the exception of Interstate 95 to add some additional distance to mitigate potential noise impacts. So again, similar, we went through the Comprehensive Plan evaluation, also looking at the Future Land Use Plan and then the solar guidelines. In this case, this site is not within the Airport Impact Overlay, so that's not a concern here. Looking at the Future Land Use Plan, the property's partially recommended for Business and Industry, the areas closest to Interstate 95. And then the eastern portion of the site is planned for Suburban and, of course, this is property also that's inside the Urban Services Area. Going into the policies in the Comp Plan and that address solar development. And again, this this policy, 2.6.7, some of the key points and how this does or does not comply with this policy: the area is not in close proximity to residential developments. There are, immediately to the south there are, you know, kind of older larger lot residential properties that are, that are adjacent, but not necessarily the newer higher density residential developments in proximity of this site. There are no public drinking water sources nearby; it's not identified as having prime agricultural soils, and the site has significant forest coverage to provide adequate buffering for screening. Then looking at some of the location criteria, the plan has the specific criteria for community scale solar, and this is also a community scale solar project. This would generate up to five megawatts of electricity, and that's just under the threshold to be considered a community scale project. The projects are encouraged also to be located outside of the Urban Services Area. As mentioned, this site's inside the Urban Services Area. The projects in inside the Urban Services Area may be considered if they meet these criteria. Again, the project area is under 50 acres in size. And then the issue of whether there would be a better use of this land in this location, be it residential/commercial, staff notes the surrounding land uses currently are more rural in nature with larger lot residential uses and improvements to the area road network should probably be considered before any higher density development, be it commercial or residential, occurs in this area or on this property. And then some of the additional location criteria that applies: the site has mature tree cover and which would be preserved to provide significant buffers for screening from adjacent properties; it's impacting only 23% of the overall site; and it will be set back from the majority of environmental resources which are more so on the northern end of the property. The project is avoiding impacts to wetlands. And there are no dense residential neighborhoods within the project viewshed.

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Ms. Sellers: *Inaudible, microphone not on.* So, do we use the same criteria to judge this community solar as we did the one in the last public hearing?

Mr. Zuraf: Yes.

Ms. Sellers: So we have a piece of property that's 150 acres, backs up to the highway, to the interstate, and we gave it the same criteria that we gave a 17-acre lot? Have we established procedure or like criteria?

Mr. Zuraf: Well, what...

Ms. Sellers: Or this was done in the subcommittee?

Mr. Zuraf: So, what I'm speaking to are the same, I'm evaluating both projects against the same criteria, the criteria or the criteria, there's one set of criteria that apply to any project. And so I'm just explaining how this site does or does not comply with that criteria.

Ms. Sellers: Yeah, it's just mind-blowing to me that we would use the same criteria to, to review this site as we did in the last site. Just...

Mr. Zuraf: Yeah, the way the Comp Plan is set up is we have one set of criteria for communities... well, for any project that is developed, because the main purpose is to consider whether it's being appropriately screened. That's kind of some of them and also not impacting the site negatively, natural resources, and other viewshed concerns.

Ms. Barnes: Please continue Mr. Zuraf, thank you.

Ms. Sellers: So then why do we use megawatts instead of like the number of panels?

Mr. Zuraf: The megawatts is a term that kind of is, it allows us to distinguish between the larger facilities and the smaller facilities. The projects under five megawatts, basically, are allowed to, are able to connect into the local transmission lines, as opposed to being located along the high-tension major power lines. So whereas a project over five megawatts is likely going to use up much, be in a larger area, they're generating more power, and those smaller transmission lines can't handle it. And, and also, then, that also is a drive, that's fewer megawatts is going to equal a smaller project size, which may be considered potentially more appropriate inside the Urban Services Area.

Ms. Sellers: So how you just described it, I do not remember that being the way it was described to me when it was brought to the Planning Commission. Now, I was not on the subcommittee. So I don't know how it was described in the subcommittee, but that description is a totally different description than how I would envision... well, one, I don't know what a megawatt is. But that begins to show me what we're actually putting up vegetation for. Like the view, like the number of panels. So it's just, it's very interesting to see this one and then the previous one, and compare the two, when, essentially, it's the same type of project. Just, it's just very interesting.

Ms. Barnes: Please continue Mr. Zuraf, thank you.

Mr. Zuraf: Okay, then getting again to the site design criteria that apply to any solar project, whether, regardless of the size, with this one, central inverters that might generate noise are going to be required

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to be 700 feet away from any adjacent properties. Existing tree cover is being retained in perimeter buffer areas. In place of, instead of providing travelways around the perimeter of each group, it's being recommended that the applicant provide the emergency response training for fire and rescue personnel that was discussed in the last case. And the same issue came up with this one. And again, it's going to be a voluntary issue for the developer to go about this with fire and rescue staff that would, would be actually responding to anything on this, any incident on the site. Also, the project minimizes environmental impacts, given its siting. And the entire facility is in a single fenced compound; however, 77% of the site is in a natural state, and which would allow for limited impact on wildlife habitat on the site.

Ms. Barnes: Mr. Zuraf, can I ask a quick question about that. You said 77% to remain in its natural state. For now. Going forward in the future, we could actually see another separate solar project that could be on that same land and then we'd have a lot less than 77%. Is that correct?

Mr. Zuraf: Well, this is all based on the plan that we have before us today. And that what you're approving today is for this project, these project limits. So any future kind of expansion, the applicant would actually come back, have to come back with a whole nother conditional use permit, a whole nother public hearing. So then, then you're reconsidering it, and yeah, then there's the issue of less wildlife habitat.

Ms. Barnes: Okay, thank you. There's no wildlife corridor, but they said there's 77% to remain in its natural state. But that's just for now. So I just, that's just something I think we need to consider going forward.

Mr. Bain: I haven't walked the site, but I believe this portion of the site where the solar panels are going is a much flatter area. When you move into the, I'm going to call it eastern but it's not exactly eastern, the eastern area, it's much more rolling hills. It would be harder to develop for a solar facility. So economics would change drastically, I would think.

Mr. Zuraf: Yeah, the terrain is steeper as you head to the north and east. So that's why I think the applicant kind of focused their project up to the to the southwest end of the site. So, proposed conditions with this one, again, it will be developed in conformance with the GDP; requiring the setbacks and tree preservation as shown on the GDP. Again, I mentioned the issue of the setback from I-95, you have a modified condition on that, which the applicant can speak to when they get up. And then requiring 75-foot setbacks from... that's from the old case. So that this one you have the higher, the larger setbacks that I mentioned with the 300 and 500-foot preservation areas that were shown; providing access as shown on the plan; requiring the inverters to be centrally located including 700-foot setback. This one has construction hour limits, 7 AM to 7 PM, Monday through Saturday and excluding Sundays and national holidays. This one also requiring the posting of emergency contact information; requiring recreation of a decommissioning agreement prior to occupancy; and this one the one-time cash contribution is \$70,000. So with the Comp Plan Compliance, with the positives, the facilities are generally consistent with most of the siting and design standards of the Comprehensive Plan; the design of the facility, including setbacks and buffers and other site controls, minimize any impact, minimizes any impacts on adjacent properties; the facility minimizes impacts to sensitive environmental resources; offers an alternative use of land that would have, that will have the potential of being converted back to its natural condition after useful life of the solar facility. With the negative, the viewshed analysis for I-95 buffers have not been I guess, fully vetted, and so the applicant will be able to speak to that this evening. Then with the use permit, positives, the facility meets all the standards for the issuance of a conditional use permit; the facilities are accordance with the Comp Plan recommendations; the proposed

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setbacks, fencing, and screening should not detract from the character of the surrounding area; the conditions would mitigate any potential negative impacts. And then the same negative aspect with the use permit. Staff recommends approval of the Comp Plan Compliance Review finding the request to be substantially in accordance with the Comp Plan. With the use permit, staff recommends approval pursuant to Resolution R23-171, with the recommended conditions and subject to approval of the concurrent Comp Plan Review. And again, would suggest that this viewshed analysis and setback issue be fully vetted before recommending for any approval. And that concludes my presentation.

Ms. Barnes: Okay, questions for staff.

Mr. Apicella: Madam Chairman, I have some questions. You probably already addressed it, Mike, but just to go back over it, which Comp Plan provisions and Ordinance requirements is the applicant not meeting?

Mr. Zuraf: The requirement, the location criteria that encourages the location of any solar facilities outside of the Urban Services Area. So but then going through the other next steps of that, you know, the issue of considering other factors whether with any project that's inside the USA staff believes they meet those criteria.

Mr. Apicella: So it should be outside but it could be inside if it's 50 or less acres.

Mr. Zuraf: Yeah.

Mr. Apicella: Okay. Anything else?

Ms. Barnes: Yeah, there was the viewshed maybe?

Mr. Zuraf: The, I guess the question of the viewshed from... but that's from 95. And I think it's... with the overpass, it shouldn't be an issue. The fact that it maybe is a one single large fenced-in area and doesn't necessarily have the wildlife passage, like the other Enon Road site does. But again, it's a, it's a much larger site. And...

Mr. Apicella: But the whole site is going to be fenced.

Mr. Zuraf: The whole complex...

Mr. Apicella: So it's just a matter of what kind of fence do they choose to use? So they could do the same kind of fence around the entire parcel...

Mr. Zuraf: Yes, they could.

Mr. Apicella: ... if they chose to.

Mr. Zuraf: Right, right. And...

Ms. Sellers: *Inaudible, microphone not on.*

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Mr. Zuraf: I'm not certain if the property itself is fenced, but there would be a whole new fencing around the solar complex, so more internal to the property. That would be new fencing. And that I believe, is it.

Mr. Apicella: Okay, so you've mentioned a concern that we don't have the viewshed analysis, but then you said it may not be an issue, so I'm not quite sure. When do we expect to get the I-95 viewshed analysis?

Mr. Zuraf: The applicant's ready to speak to you about that this evening. And so they may have some information to help that issue, help resolve that issue.

Mr. Apicella: Okay. At attachment 2, page 19, the applicant makes commitments on the viewshed. How do we ensure it follows through? So if you look at... I don't know if you have it in front of you... attachment 2, page 19, under Part One, setback, buffers and screening, it says if this analysis determines that the project will pose a viewshed impact at this location, being I-95, the setbacks will be extended and/or additional landscape buffering planted to avoid the impact and secure an exemption from the 500-foot setback. So in the absence of the viewshed analysis, how do we, how do we know what the impact will really be?

Mr. Zuraf: Yeah, I don't think we really know until then. The proposed condition asks them to, requires them to kind of keep existing trees within the 5-foot buffer to the maximum extent possible. The issue here is you're going to have a flyover ramp where for northbound trips heading and passing over the main lanes and getting onto the HOV lanes, and so that's going to be a car heading up a ramp. And then they are going to have to kind of look over and, if they look over, I guess probably no matter what is there, they're gonna look down and see the facility. But they're also going to have to look very quick because they're going to be moving along. And so I think it's, I think the visual impacts are probably going to be very minimal, but there's potential that it's going to be seen no matter what without a very significant buffer there.

Mr. Apicella: So for the folks who are driving under, under that overpass, what will they see?

Mr. Zuraf: They're going to just see the actual overpass that's going to be a big bermed ramp area. So that's going to help to screen I think much of the rest of Interstate 95.

Ms. Barnes: They're going to see big beautiful I-95.

Mr. Apicella: Lovely. Okay. So this kind of negates my next question. I was looking at page 5 of the same attachment that shows that area closest to 95 being very sparse in trees. So we're certain that that overpass is going to... can you, can you look at it? Not yours, I'm talking about theirs. So their, their attachment 2, page 5, has an image of the project that shows the tree cover and how it encircles the entire project. But I-95, it's pretty sparse in terms of the tree coverage. So from one end of the project to the other end of the project, is that whole area going to be where the overpass is?

Mr. Zuraf: Yeah. So if I could go to the computer, this kind of helps to show it. Where that notched out area, that was cleared as part of the VDOT project, the Interstate 95 project. And actually, since this, that actually is the portion of property that was taken by VDOT for right-of-way. And that is where the ramp is being built. So it basically swings around and then it's going to go over and go like that.

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Mr. Apicella: Okay, makes sense. At attachment 2, page 20, the applicant indicated that noise generating equipment would be 1,244 feet from the nearest residence. And our proposed condition 9 says inverters and transformers shall be 700 feet from the property line. So one says 1,200+ feet from residences, one says 700 feet from the property line. Are they the same distance in reality?

Mr. Zuraf: That I believe, I believe they're referencing the actual structure, the residential home probably and not the property.

Mr. Apicella: Right. But I'm trying to figure out which is greater, which would be greater.

Mr. Zuraf: It's basically one of the same, yes.

Mr. Apicella: Okay. You kind of answered this question, but I'm gonna ask it one more time. So how can the County be sure that there'll be no further expansion of the solar facility on the parcel and no other uses on that parcel?

Mr. Zuraf: Well, as far as the solar facility, the approval is for the limits of the area shown on this plan. And so any expansion of the solar facility beyond what's shown, the applicant would have to come back in for a whole new conditional use permit.

Mr. Apicella: And how about any other uses on the parcel?

Mr. Zuraf: The other uses? I guess it's a possibility, but I think the, because it would probably be difficult to have any access through the same direction, because you have buffer requirements now. So the buffers that are... okay, if you can go back to the computer again... these are all required buffers. So somebody couldn't come in and build a new road for a subdivision back here, through this, because this is all, this all has to be preservation area. But if access can be obtained some other way, then maybe some development could happen, but I don't know if...

Mr. Apicella: How can we preclude that from happening?

Mr. Zuraf: I don't know if you could do that through this process, because this is specifically for this use and not...

Ms. Barnes: Is that an intermittent stream right here that they would have, they would have to try to cross that to get into there?

Mr. Zuraf: There is a perennial stream here, intermittent stream beyond through this point.

Ms. Barnes: Yeah, we don't, we don't like to cross those because it costs a lot of money.

Ms. Sellers: And there's a power line over there. There's a power line easement that runs somewhere on that property or near that property.

Mr. Zuraf: It is here.

Ms. Sellers: Yeah, there it is. You're not gonna want to put too many houses that close to it. You could see a Data Center.

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Mr. Bain: I think the issue is that the solar farm is leasing their property, their area. The actual land is remaining in ownership of the current property owner, and the property owner can do anything he wants. If he wants to build something there, he has to get the appropriate permits, whether it's a solar farm, a warehouse, or residential areas, and it would still have to come to us and they would have to have, meet all the criteria. So I don't think we can prevent that development. But the siting of this facility certainly precludes the most easily accessible location to that land. So I think it, in a certain sense, is self-buffering to that land unless they can come in from another way. But that's, that's up to the landowner. You know, we can't do anything about that.

Mr. Apicella: I hear you, Mr. Bain. Just thought I'd ask the question. The applicant's report identifies several appendices, including a decommissioning plan. I didn't see it in the package. Have you had a chance to look at it?

Mr. Zuraf: Yeah. If we, sorry if I didn't... yes. It may have been a separate attachment. I'd have to check. But they did provide that to us.

Mr. Apicella: And you've had a chance to review and you're satisfied with it?

Mr. Zuraf: Yes.

Mr. Apicella: Okay, so I'm gonna ask the same question I asked earlier. How did we get here?

Mr. Zuraf: So, yeah, so back in last summer, two applications for solar facilities were submitted to the county and at that point...

Mr. Apicella: And that was in September of '22.

Mr. Zuraf: The applications were submitted in the summer, July and August.

Mr. Apicella: Well, they were posted online in September. I just look back at the, you know, the county's website that shows what applications were posted online.

Mr. Zuraf: Yeah, we it kind of processed at that point. But they did get submitted then and, and when those came in, you know, we had very limited ordinance requirements and Comp Plan guidelines related to solar facilities and so the Board asked for a joint work session...

Mr. Apicella: So the Board knew at that point in time that there were two applications in...

Mr. Zuraf: Yes.

Mr. Apicella: ... when they had that work session in September, September 27th.

Mr. Zuraf: I assume they would know about it.

Mr. Apicella: Okay.

Ms. Baker: Can I just interject there. On the joint work session between the Board and the Planning Commission on September 27th, there was an actual presentation that was included that showed the

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information on the two applications. It's just very basic, but it showed the location and what the proposal was.

Mr. Apicella: Okay. And then I'm looking at the dates... I'm sorry to jump in... I just looked at the Board's background report that was provided when they approved the Comp Plan and Ordinance changes. So we established our subcommittee the next day, September 28th, right?

Mr. Zuraf: Right.

Mr. Apicella: And the subcommittee held six public meetings between October and November. Is that correct?

Mr. Zuraf: Right.

Mr. Apicella: They were all posted online, right.

Mr. Zuraf: Yes.

Mr. Apicella: Whatever the county does to advertise meetings.

Mr. Zuraf: Yeah, we notified... we did a proper notice for all those meetings.

Mr. Apicella: Okay. And then the Planning Commission approved the solar Comp Plan and Ordinance changes for the Board to consider I think in December. Does that sound about right?

Mr. Zuraf: Sorry, the Board?

Mr. Apicella: We.

Mr. Zuraf: Oh, yeah, yes, yes. It was December 14th.

Mr. Apicella: Okay. Anything else you want to add to the background of how we got here?

Mr. Zuraf: And then it went through the public hearing process in winter and spring with the Planning Commission, and reviewed by the Board. And reviewed by the Board in January, and then it was sent back to the Planning Commission for public hearing in the spring.

Mr. Apicella: Okay, thank you.

Ms. Barnes: Mr. Bain?

Mr. Bain: One thing I would add, and I'm sorry, it's not about the Kinglet but the Enon Road one, the applicant held a meeting with local residents, made a presentation to them. So it was not the surprise that Ms. Sellers seemed to think it was. They were aware of it, they had been notified. And whether they attended the committee meetings, or she attended the committee meetings is really irrelevant.

Ms. Sellers: My point was not what the applicant did to publish their application, it's what we did, as a governing body, as a, as a representative of an elected body, what we did once we knew those applications were in and the perception that we were giving the public. We need to do better. That is

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the point that I'm making, because... again, I'm sure that folks, I'm sure that folks would have attended those meetings, I probably would have attended those meetings, if I had known that, that we were going to be seeing comprehensive review things, which I don't ever remember dealing with those before. So these are kind of new to me that these even come up. And now we're seeing them. Of course, they're in compliance with the Comprehensive Plan. We wrote the coverage, we, we, we changed the Comprehensive Plan to support it. So that's the point I'm making, not whether the applicants did this in any of that. That, that is not the thing. It is understanding the criteria.

Mr. Apicella: I just feel like I've got to make one comment.

Ms. Sellers: It is understanding the perception.

Mr. Apicella: One more time of false allegation has been made that we crafted our Comp Plan ordinance, and Comp Plan, I'm sorry, our Comp Plan provisions and our ordinances to meet the applications. It actually occurred the other way. We drafted our Comp Plan amendments and our ordinance, irrespective of what was presented to us. And the applicant ultimately met those requirements. And that's how the staff evaluated the application. Is that a correct statement, Mr. Zuraf?

Mr. Zuraf: What I'll say is we didn't create the guidelines and the ordinance based on the applications in front of us.

Ms. Barnes: Okay, we've discussed...

Ms. Sellers: I'm not worried about staff.

Ms. Barnes: I want to concentrate on the application that we've got and the project that we've got right now. So let's, let's leave the rest of that right now. Let's focus. It's 8:45 at night. I want to get through this application. I think we're fin... I think Mr. Zuraf finished with... did you finish with both the comprehensive, the CUP and the Comprehensive Plan?

Mr. Zuraf: Yes.

Ms. Barnes: Okay, any other questions specific to just this project? Comments? No. Okay. So I will go ahead and open up the public hearing. Oh, I'm sorry. I'm really trying to move ahead here. I'm sorry. Would the applicant like to come forward? And then we'll have the public hearing after that.

Mr. Harper: I'll do my best to be brief.

Ms. Barnes: Okay.

Mr. Harper: Mike, would you mind handing those out for me?

Ms. Barnes: Thank you for your patience this evening everyone.

Mr. Harper: Thank you, Mike. Good evening Commission. My name is Patrick Harper. I'm a project developer with Cypress Creek Renewables, speaking tonight on behalf of the Kinglet Solar team. We are incredibly excited about this project. When you hear folks talk about responsible solar development, this is it. We feel it should be recommended for approval for three reasons. But before I get to them, I want to thank Mr. Zuraf for his introduction, all the assistance that planning staff has given us over the

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past going on nine months now. They've been phenomenal. I'd like to thank each of you for your work on the solar subcommittee, and crafting a common-sense ordinance with strong standards. And I'd like to thank everyone who came out tonight to express their opinion. Everyone who came out to our open house, everyone who answered the doors when we knocked, everyone who read our flyers, our mailers, our website. Our project is stronger today thanks to you. I only have a few slides I want to cover. We have a lot of additional information in the slide deck appendix, including a diagram of how the shared solar program works that might be of interest to you, Commissioner Sellers. Let me start with a quick word about Cypress Creek Renewables. We develop, own, and operate solar storage and hybrid projects across the US. We're headquartered in Santa Monica, California, and locally here in Stafford County, we have offices up the road in D.C. Since our founding in 2014, we have developed over 800 projects across 23 states, representing 12 gigawatts of generating capacity. That's the experience that our team brings to this project. We've been active in Virginia for a couple years now. We have developed and sold two transmission scale projects to Dominion. We have two community scale projects, including Kinglet, that we're actively developing for the Dominion Shared Solar Program. We have a suite of projects in early stage development as well. Now as you heard, Kinglet is a proposed 5-megawatt 40-acre community scale solar project in southern Stafford County, a few miles north of Fredericksburg. Staff did a great job of summing up the basics. I'm not going to repeat anything that Mike said. But let me highlight a couple things that immediately drew our attention to this site in particular. First, its proximity to Dominion's existing infrastructure, with three phase access along Truslow Road. And we're only 1.65 line miles away from the Cranes Corner substation. Second, its size at 171 acres allows for extensive setbacks. And existing mature vegetation within those setbacks allows us to mitigate viewsheds and noise, and aids in stormwater runoff. It's a very unique site. So when we reached out to the landowner, and they were just as excited about the idea of a project, we were thrilled to work with them on a lease agreement. Now to the first of the three reasons why we feel this project should be recommended for approval: it is community-oriented. It's going to generate enough electricity to power over 600 homes. The Dominion Shared Solar Program, that's over 600 low to moderate income families that can subscribe to electricity generated and save 10% on their electric bill. This is a savings product for families that need it the most, for families with the highest energy burden, for families who have been left out of the Clean Energy Transition who can't afford to install solar on their own homes. And approving this project will ensure that the program is heavily marketed in Stafford County to allow local families to subscribe and benefit. Beyond direct savings for subscribers, it's going to provide over a million dollars in new revenues to the county while posing no corresponding burden on services. It represents a \$1 million investment and local utility infrastructure as the private sector investment we are making that will strengthen the local grid, and it represents \$10 million in project spending, where we will be using local labor and materials to the extent possible. Now for number two, the project is sited and designed for low impact, meaning we can deliver those savings and those benefits with no impact to community character. The project is compatible with its surrounding land uses. It features extensive setbacks, maintains existing vegetation within those buffers, it avoids all wetlands and steep slopes, and in terms of impacts, like was mentioned, the project will be partially seasonally visible from a single point offsite that I'll get to in one second. After it's four to six month construction, there will be no traffic, noise, public safety, or stormwater impacts. And we'll be working hand in hand with the County to make sure that's the case. We'll be working on a construction plan that minimizes traffic inconveniences. We'll be working on a landscaping plan that features native grasses, so the soil is restabilized as quickly as possible, and pollinators for ecological benefits, and erosion and sediment control plan and stormwater management plan to ensure the flow of water on site is the same after construction as it was before. Now, speaking to the viewshed impact, the project will only be visible from a single point offsite, and that's the highest point on an I-95 northbound flyover ramp that is currently under construction. We're talking about a partial viewshed during winter months from a car driving on the ramp at highway speeds. So it'd be for a very short duration for a passenger in that car,

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who's goosenecking, looking over his right shoulder for a partial glimpse of this project. And given the elevation of the ramp and the angle of viewing, extending the setbacks is only going to provide partial mitigation of what's already a partial viewshed. And we do have our viewshed impact analysis results back. These are a little small, but I have big pictures in the, in the appendix. And you can see from spring to fall, the project will not be visible at all. The elevation of the ramp is actually at complimentary height to the elevation of the trees. When those trees drop some of their leaves in the winter, then you have a partial viewshed impact; at least now you will first. So given the extremely minimal impact, our plan here is to provide a 50-foot setback to meet the new buffer requirements in 28-39(z)(8). And that setback will feature some new evergreen plantings close to the fence to block the viewshed long term while maintaining as much of the existing trees as possible to block the viewshed now. And under this plan, we will need a waiver from the Board for 28-39(z)(5), the 500-foot setback requirement from corridors of statewide significance. And if ever there was a case where it was warranted, this is it; partial, seasonal, short duration, temporary.

Mr. Apicella: Before you move on, so the current condition says within the set... now that the viewshed analysis has been completed, within the setback, existing trees shall be preserved to the maximum extent practicable; great. And a single row of evergreen trees should be planted if it is determined to improve screening of the facility from the interstate. So where are we on that second part of that sentence?

Mr. Harper: Yeah, we can agree to those plantings today. I'd just like to get the opinion of the subject matter experts, landscape architects, to see what makes the most sense; but we can agree to that today. We can agree to the new plantings today.

Mr. Apicella: Okay, great.

Ms. Barnes: Ms. Sellers?

Ms. Sellers: What are the setbacks? What are the VDOT requirements to be setback from the, from the flyover?

Mr. Harper: I'm not aware of that. But we'll be glad to look into it and get us an answer.

Ms. Sellers: And is there a sound wall that's going to be there?

Mr. Harper: There is no sound wall unfortunately; it's to the north, to the South, not here. Thank you VDOT. Any other questions before I continue? So here's a quick look at our setbacks which all meet or significantly exceed the ordinance requirements outside the aforementioned issue. And there are a few items I flagged here on the site plan where we have already revised our layout based on feedback we've received from the community based on site diligence work. And it's a great example of how this is an iterative process and will continue to be so. To quickly touch on stormwater, because it's a topic that has been raised several times, to the north of our project area, we're more than doubling the required Resource Protection Area buffer to Claiborne Run at its closest point. And if you look at the anticipated location of stormwater basins, which are flagged in yellow here, you'll see that they're all on the opposite side of the project area from where we abut to residential properties. And that's based on the site's topo and the fact that it generally drains towards the northeast. So even in the event of a 100-year flood, the site is very well suited to manage it. Here's a quick look at all the development work that has gone into this plan so far. We've already de-risked several major items. I'm not going to go into them here, but we'd be happy to answer questions about them if you have any. Now lastly, number three, why we feel this project should be recommended for approval. It's aligned with county standards. You put high

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standards in place, and this project meets or exceeds all of them. Here's a breakdown by topic area that I tried to summarize as best I could. I've already touched on the I-95 setback. On the use of a forested tract, which is a question we've got a couple of times, I want to point out we're preserving well over 70% of the site's wooded areas. The parcel has the lowest possible forest conservation value, according to Conserve Virginia. And Cypress Creek has a net zero woodlands impact program where we partner with an NGO to replant a tree for every tree we cut down. The plan is also aligned with what we've heard from neighbors and folks that live nearby. Most of the folks we didn't talk to didn't care about the project; out of sight, out of mind. Of the ones that did, most were supportive. And here's what we learned was important to folks that live nearby. The most common topic that came up was traffic. And I just want to point out that this project will pose some minimal traffic inconveniences for four to six months during construction, and no traffic impacts for the remaining life of the project. So, four months of inconveniences for 30 to 40 years of no impacts. And I'd be happy to touch on these other items if you have questions about them. So we've had all these conversations, we've taken what we've learned, all the questions we've gotten, and we tried to address as many of them as possible in our proposed list of conditions, which as Mike mentioned, includes a \$70,000 monetary contribution to the County. Our goal is to create shared value with the community of Stafford County. This is a small but significant step towards that end. Lastly, to recap, why we feel this project should be recommended for approval. It is community-oriented. It's designed for low impact. And it's aligned with County standards. It's a great example of responsible solar development. And I have Scott Foster here with us, legal counsel, who's going to add a couple comments to this and address some questions that have already been raised. And I have some answers for questions that have already been raised as well. Scott.

Mr. Foster: Good evening, Scott Foster with Gentry Locke in Richmond. I'm a land use attorney and I specialize in permitting solar and energy storage projects. So I've watched your discussion with interest. Taking a look at your conditions as proposed, and I might mispronounce your last name is Apicella?

Mr. Apicella: That works.

Mr. Foster: Thanks. I believe you had a change to condition 7, which we were agreeable to remove, if it is determined to improve the screening of the facility from the interstate. In the earlier project, you all had a question as to the requirement for a decommissioning bond. That's actually required by statute, and that statute is cited in your ordinance. So I, you know, my opinion, we're clear on that issue. So, if that comes up, I'm happy to, happy to answer that as well. If there are any other condition related concerns, I'm happy to engage in the dicey exercise of drafting from the dais if it, if it helps you all act on this tonight. Thank you.

Mr. Harper: We'd be happy to field any questions that you have.

Ms. Barnes: Okay. Questions for the applicant?

Mr. Bain: Just one, Mr. Harper. Because maybe I misunderstood. Are you leasing the entire property? Or are you just leasing the acreage for your panels?

Mr. Harper: Yeah, so our project lease, once the lease lot lines, the project lines had been finalized will be for the project area itself...

Mr. Bain: Okay.

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Mr. Harper: ... not the entirety of the parcel. Although I will add, we have a condition in our contract guaranteeing the tree preservation areas so the 250 feet to the southwest abutting properties and the 450 feet to the southeast abutting properties. And I could tell you, there is no way another developer is going to build another solar project on this parcel. Like you mentioned, there are areas of steep slopes and wetlands to the northeast is going to preclude probably any kind of development. And that's one and two, the local infrastructure doesn't have the capacity for another project. If someone did come behind this, they'd have to build a transformer at the Cranes Corner substation; that's gonna run probably \$2.53 million. It's not going to be financially feasible. Yes, Commissioner Sellers.

Ms. Sellers: So you, are you, you guys are putting the power back to dominion, or are you doing like the previous one and having them subscribe with you?

Mr. Harper: Yeah, so I have a diagram of how Dominion's Shared Solar Program works. And I hope I've explained this well enough, but let me skip to the end and from a customer's perspective how it would work. You have, say you use on average 1,000 kilowatt hours, you have \$100 bill. You subscribe through the Shared Solar Program for 1,000 kilowatt hours, and you get bill credits that drop your bill to \$0. Then you pay us at a discounted rate for the electricity that you're subscribing for, for the program, you save that 10%. And we have a contractual... we have a, we've contracted with what's called a Subscriber Management Organization, who goes out and markets the program, signs up local families, and our contract with that organization defines the saving percentage. It's not something we are going to go back and change. And even if we wanted to, it's not something we would. This is about market dynamics. If there are other projects out there offering 10% savings or more, all a subscriber has to do is cancel and go subscribe to that other service provider. And subscribing and canceling is almost as easy as sign up for a streaming service. The State Corporation and the Legislature, whenever they created this program, they made sure that to make it as user friendly as possible. So actually how this works, we as a developer file for a license with the State Corporation Commission to participate in the program. They vet us very thoroughly; it takes about 90 days. We build a project that qualifies for the, the program requirements that the General Assembly has set, the Legislature has set, and the State Corporation Commission has set. We need in an executed interconnection agreement and zoning approval in order to qualify that program, that project into the program. So we build the project. We get our license. We qualified into the program. We apply for the program and are awarded a spot in the program. We partner with a Subscriber Management Organization who goes out to the local community, knocks on doors, markets to program, finds subscribers according to the agreements that we have with that SMO. Subscribers sign up for the program. They receive bill credits, and they pay us at a discounted rate. That's how we make our money.

Ms. Sellers: So is it...

Mr. Harper: It's all making sense.

Ms. Sellers: ... is it only people who are in the Cranes Corner, who are in the general area of the Cranes Corner? So it's not really a community. And that's not your, your guys' problem, although this was a much better description of what's going on here. How do we make sure that... well, I guess that's for the General Assembly to decide is...

Mr. Harper: Yeah, there are, there 22 states that have community solar programs similar to this, all of them are a little different. Some have locational requirements, where a subscriber needs to be located in the same county as a project or an adjacent county. That is not applicable here in Virginia. So any Dominion customer could register, could subscribe for the program. The benefit of having a project in

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your local community is we can guarantee our partners are going to market the program locally. And it, you know, these are... we're signing up exclusively LMI households. It takes, it takes effort to build trust and establish credibility. These are not communities that are necessarily easy to reach. They might not know about the program if someone is knocking on their door and telling them about it.

Ms. Sellers: And so you said that there won't be somebody else coming in there because the power grid can't handle it in this area. So are you guys in competitions with individual homeowners who want to attach to the, to the line? Because I mean, I told the last one, I'm a solar person; as the neighborhood got more and more, Dominion started saying no, we're not approving the connection.

Mr. Harper: Yeah, it's actually the opposite of that, I would argue.

Ms. Sellers: Okay.

Mr. Harper: So the interconnection process is different. We go through a different study process. Your home when you signed up was net metering, you're not sure how big your system is, might be 5000 kilowatt hours.

Ms. Sellers: I don't know; I know by panels.

Mr. Harper: Yeah. So the scale dictates the process that we have to go through. And like I said, we're making a million dollars of upgrades to the local infrastructure, utility infrastructure, and that has secondary benefits beyond our project. Dominion is notorious for requiring us to over engineer our infrastructure, our utility upgrades that we're making.

Ms. Sellers: And so how will this impact bigger, other industries that will require power on the same transmission lines? Does it have any impact on that?

Mr. Harper: No, it doesn't. And Dominion studied... they take, it's supposed to take nine months; commonly it takes close to 14/15 months to study our projects, and make sure that this has no impact on their other ratepayers, on their other customers.

Ms. Sellers: Okay.

Mr. Apicella: Mr. Harper, do you have any other projects north of Richmond, specifically in the Northern Virginia area?

Mr. Harper: No, we do not at the moment. The other project that we're actively pursuing is in Suffolk, a couple of hours south of here. And, you know, we're developing the most strategic assets to qualify them into this program. It is only a 200-megawatt program at the moment. There is legislation introduced this past session to expand it. It made it through the Senate, did not make it through the House, although there was bipartisan support for it, including from the Governor's office. Of the 200-megawatt program that exists today, there are 60 megawatts remaining.

Mr. Apicella: And so you mentioned why this specific parcel. Why Stafford versus Spotsy or King George or Caroline?

Mr. Harper: Yeah, we looked at all Dominion territories. And really, it's about finding that sweet spot of a substation that has capacity of a parcel in close proximity to that substation that is dry, it's flat, the

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landowner is open to the idea of working with us on a project. So it's really like finding, you know, a needle in a haystack but of a Goldilocks situation here. But we looked at all Dominion territories.

Mr. Apicella: And does the state have any mandates on the amount of total electricity produced in the state that, that needs to be done by renewables or clean energy?

Mr. Harper: Yeah, the Virginia Clean Economy Act that was passed in 2020 I believe does require the state to move towards a decarbonized grid by, by 2050. And then there are carve-outs within that VCA for certain size projects for, you know, community scale, transmission scale that's developed by private third parties like us, or Dominion. Offshore wind, onshore wind, so there are different carve-outs that have to be met within the VCA.

Mr. Apicella: Alright, thank you.

Ms. Barnes: Okay. Any other questions for the applicant? Okay, thank you very much.

Mr. Harper: Thank you.

Ms. Barnes: Okay, now, now I'll get to the Kinglet public hearing. This is an opportunity for the public to comment. Before starting your comments, please state your name and address. The clock starts when the green light appears. Yellow means there's one minute left, and red means your time is up. And you finally got up here. Thanks for your patience.

Mr. Brindise: My name is Mark Brindise. My house is ground zero for this power project. My house is right there. Right, it's gonna, this thing is going to be right in my backyard. When I purchased my home a few years back, had I known that something like this was going to take place I would never have bought the house. So I feel kind of betrayed by, by everybody, because... and I feel duped, you know, because I bought a house that I had no idea was this was going to happen. I bought it for the pristine backyard and all of that. Now, you know, we got this. I think the lessor should have to buy me out. If that's, if this is what he wants to do with his part of the property. And he should buy me out at regular, at market prices now, not at the market price it'll be, my house will be after this project is done. On top of that, they are talking about no water. I have two water wells on my property. You know, I mean, I'm concerned about the groundwater. Nobody's come and talk to me about that. You know, I mean, I don't know where these guys are coming from saying that they've come and talked to people because nobody's talked to me about it. I've got, you know, in my backyard, I've got a, I've got a pond and stuff like that. But you know, the deer and a waterfowl and stuff like that, you know, I mean, there's nowhere else for them to go, they're going to starve to death and they're going to die, the deer, as soon as this project gets, gets put in place. There's, there's bog turtle in that woods back there, which is an endangered species. There are certain species of woodpeckers that are very, very rare to this part of the country. And I'm just saying that, you know, I mean, this, you know, they're, you, you care about, you know, people driving over I-95. That's my house right there, you know. You know, Chichester's got a lot of power and money and stuff like that. This house, that's all my wife and I have, you know. I mean, we, we saved all our lives to get the down payment for this place. And then they're gonna do this, you know, and then you're gonna do this to me? It's like, you know, that's, that's a mess. Like I said, there's going to be noise. I work from home, you know, I mean, I'm going to have to have to deal with the noise from the, from the project. If you notice that the buffer was cut down at like 300, 300 feet from my house, 500 feet from everybody else's house, because I'm that one house right there in that corner, right where that access road is right there. So I'm just I'm just saying, it's like, you know, look at my face, because, you know, there are winners and losers, you know, I mean, so...

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Ms. Barnes: Thank you very much.

Mr. Brindise: ... you're gonna get your cheap energy, but somebody had to suffer for it.

Ms. Barnes: Thank you very much. Anyone else like to come up and speak to the Commission?

Mr. Cox: Hi, hello again. As you know, I'm Phil Cox. As I said before, I am in favor of solar power. I think it's a good thing. And with all due respect to the prior gentleman that was speaking... *inaudible*... appreciate his concerns. If I were a member of, if I were a fellow Commission member here on the Planning Commission, I would vote in favor to approve this project. Because it is a complete contrast to the other Enon Road site. This project is located in an appropriate area with appropriate buffers. It's not adjacent to dense suburban neighborhoods. It's not adjacent to a new county park, and literally on the doorstep of other houses and a 150-year-old church. Uh, thank you very much.

Ms. Barnes: Okay, thank you. Would anyone else like to come and speak to the Commission? Okay, seeing no one come up. Would you like to come up and speak to response?

Mr. Harper: Thank you for your comments, Mark. I personally knocked on your door. And we had a conversation at our community open house, where I tried to address some of your concerns. I realize that they are still concerns. Let me speak to them individually. On the topic of property values, there have been extensive third-party research done that shows there are no impacts to neighboring property values for projects that are properly screened and sited. And the setback that those studies most commonly reference is 100 feet. From your parcel, our project is over 300 feet. So three times the setback that's being referenced in these studies. We have completed a threatened and endangered species study, and identified no impacts to wildlife. And, in regards to noise, the only equipment that generates noise at this facility is going to be our inverters. From about 150 feet, that noise is inaudible over ambient noise, and our inverter is 700 feet from the property line. You will not be able to see or hear this project.

Ms. Barnes: Okay, thank you.

Mr. Apicella: Can I ask a question?

Ms. Barnes: Yeah, go ahead.

Mr. Apicella: Is there a reason... what kind of fence are you going to have around the property?

Mr. Harper: We initially proposed a chain link fence with barbed wire because no one's gonna see it; we want to dress it up. You know, we've looked at wildlife on the site. There is low levels of biodiversity. It's not a pristine forest. There no threatened and endangered species. So we didn't feel a need to use a wildlife fence. But that's something that we will be more than happy to do if the Commission feels it appropriate.

Mr. Apicella: It is a big parcel and it has a potential for especially small animals to be moving around or wanting to get through. So you would consider a different kind of fence?

Mr. Harper: Yeah, absolutely. And I will also say that small animals can get through chain link fence.

Mr. Apicella: Well, could a fox get through a chain link fence? I'm just going back to the previous presentation, it was pretty interesting to see a fox coming through the fence. I don't think...

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Mr. Harper: It'd have to be a clever fox.

Mr. Apicella: It would have to be.

Ms. Barnes: They're pretty clever.

Mr. Apicella: Okay. And is there a pretty significant tree buffer between... I don't know where this gentleman's property is? Right, but I'm looking at the, at your sheet right here. It's hard for me to know which one is his property. Okay, is there a pretty significant tree buffer between the project area and his property?

Mr. Harper: Yeah, if it's the one I think it is... Yeah, so we have over 300 feet from our project area to the property line. And then I would estimate another probably 500 feet to his house, probably another 300 feet to his property line, and I can get you exact numbers on that.

Ms. Barnes: Let me ask you a question about the entrance and the exit. So that little, that smaller parcel, that kind of cut out parcel that gets up to Truslow Road, that's going to be your main entryway?

Mr. Harper: Main and only.

Ms. Barnes: Main and only. And that's right next to his house. Correct?

Mr. Harper: Correct. But there's existing vegetation between our drive aisle and the property line there.

Ms. Barnes: Okay. How much existing? What kind? Is there going to be enough of a buffer so that... and it's probably going to just be for a couple of months, but a couple of months can still be pretty annoying. If you've got trucks coming in and out of there, what kind of buffer are we going to have for this gentleman? And that looks like he's going to need a buffer on the eastern portion of that parcel, on your parcel.

Mr. Harper: There's existing vegetation that we're not going to cut down between our access road and...

Ms. Barnes: Do you know how, what, like 20 feet, 50 feet?

Mr. Harper: I would estimate... it's got to be over 100 feet. But again, I can get us an exact number on that. Okay, yeah. So the closest residence from our racking area is 779 feet, and his residence, Mark's residence is further away than this closest resident.

Mr. Apicella: So probably over 800 feet.

Mr. Harper: Yes, yeah.

Mr. Apicella: Again, with a significant tree buffer?

Mr. Harper: Yes.

Mr. Apicella: Okay. Thank you.

Ms. Barnes: Any last questions for the applicant? No response? Okay.

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Mr. Harper: Alright, thank you very much for your consideration.

Mr. Apicella: Thank you.

Ms. Barnes: Okay, so we got through that one. Let's bring it back to the Commission. Mr. Apicella, this is in your district. How would you like to proceed?

Mr. Apicella: Madam Chairman, on the...

Ms. Lucian: Madam Chairman, are you keeping the public hearing open or were you closing it?

Ms. Barnes: Oh, did I not close it?

Ms. Lucian: You didn't.

Ms. Barnes: What's your preference, Mr. Apicella? You want to close it?

Mr. Apicella: Yes, please.

Ms. Barnes: Okay, we'll go ahead and close the public hearing officially. And now bring it back to the Commission and Mr. Apicella.

Mr. Apicella: Madam Chairman, with regard to the Compliance with the Comprehensive Plan, I find that this application is in compliance, and I would recommend approval of PCR23-11.

Mr. Shelton: Second.

Ms. Barnes: Okay, we have a motion by Mr. Apicella and a second by Mr. Shelton. Any further discussion?

Ms. Sellers: I have a comment.

Ms. Barnes: Okay, Ms. Sellers.

Ms. Sellers: I am supporting this one. I do think this is an appropriate location. I am sorry to the gentleman back there. Although I don't know how much interaction you've had with the Chichester family, but they are, they're, you know, powerful and whatever. But they're also very kind. And so if you talk to them, and get to know them a little bit, we may be able to figure something out there. But they are a good family. And so I do think this is an appropriate use.

Ms. Barnes: Okay. And I'm going to support this one as well. I do think that this is a much more appropriate place. Although I do feel for the gentleman in the back. I think that for a couple of months that there's going to be maybe a little bit of an inconvenience. But after that, you've got a huge buffer there. And I have to tell you, I would... if that were my land, I would feel very lucky that that kind of buffer was there, because there are other things that could go there that you would not have that buffer. So I'm very, very happy that, that the buffer is increased. You all know how much I love to keep trees. I do find it a little counterintuitive that in order to be, to get more green that we have to chop down trees, but such is the way it works. So I'm going to support it as well. And my only concern was that we would have another solar application and then instead of having one big, you know, they would, they would

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kind of domino, but it sounds to me like that's probably not going to be possible so that, that concern was assuaged with me as well. So any other comments on this one? Okay, Dexter, are you there?

Mr. Cummings: Yes, I'm here.

Ms. Barnes: Okay. Any comments? I'm gonna go ahead and call for a vote.

Mr. Cummings: No, I'm good. Thank you.

Ms. Barnes: Okay. Alright. With that all being said, please cast your vote. Okay, that passes, and Dexter, you're, I'm assuming you're yes.

Mr. Cummings: Yes, I approve.

Ms. Barnes: Okay. And Martin, so that is a 6 to 0, with one absent (*Mr. Martinez absent*). Okay. And then we'll move on to the next one, which is the CUP. Mr. Apicella?

Mr. Apicella: Madam Chairman, I'd like to add a condition and I'm going to ask staff to help me if this is sufficient, or has enough specificity. Add a condition the say the security fence shall allow for wildlife passage. Is that specific enough? Or does it need to have more specificity?

Ms. Baker: I would recommend a little more specificity.

Mr. Apicella: Okay, so help me out. I don't want to necessarily... I mean, the other applicant had a woven wire fencing. I don't know if there's other options.

Mr. Zuraf: Which condition are you on? Sorry.

Mr. Apicella: I don't have a, I'm just throwing one out there so it's a brand new one.

Mr. Zuraf: Brand new, okay.

Mr. Apicella: So there's several places or a couple places where it speaks to a security fence. You good with that? So can I just kind of throw it out there; you okay with a woven wire fence, 8 feet tall?

Mr. Harper: So we would have to look at safety standards or requirements. But, yes...

Mr. Foster: I would just say, comma, in compliance...

Ms. Barnes: Excuse me, can you come up to the, yeah, I'm sorry. We can hear you but nobody else can.

Mr. Foster: To Patrick's point, my suggestion would be to add at the end of your clause, a comma, in compliance with the National Electric Code, which promulgates the regulations for fence design and security.

Mr. Apicella: Okay, I'm just writing it down. So the security fence shall be of a woven wire fencing material to allow for wildlife passage, up to 8 feet tall – or should it be 8 feet tall? – 8 feet tall in height, in compliance with National Electrical, with the National Electrical Code. I don't want to have to say that again.

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Mr. Zuraf: Assuming compliance with the National Electric Code.

Mr. Apicella: I'm good with that. Alright, Madam Chairman, I'd like to make...

Ms. Barnes: *Inaudible*... this one? Take that out... *inaudible*?

Mr. Apicella: Oh, yes. There's another part that I want to take out. On number 7, at the end, strike out all the words after planted. Is that clear that it's in reference to I-95, Mike?

Mr. Zuraf: Yes.

Mr. Apicella: Okay. Alright, Madam Chairman, I'd like to make a motion that we approve the conditional use permit, CUP22154578 and proposed Resolution R23-171, with the amended conditions as just read.

Ms. Sellers: Second.

Ms. Barnes: Okay, we have a motion by Mr. Apicella and a second by Ms. Sellers. Any additional discussion?

Mr. Apicella: I just want to say that I appreciate all the efforts of the applicant to provide a solid application. I think it'll be a good project once it's completed. And of all the places in Stafford County where somebody could put a solar facility of, of this size and scope, this seems to be a pretty good site for it. I think at the end of the day, it'll be good for the residents of Stafford and the customers. Thank you.

Ms. Barnes: Ms. Sellers?

Ms. Sellers: Yeah, I agree. This is, this is where one of these need to go. And maybe we need to do some PR on this community solar thing because 150 acres for 17 acres is a totally different project. And we need to take some steps. And thank you guys for coming in and giving a presentation and helping us understand.

Ms. Barnes: Okay, hearing nothing else, please cast your votes. Dexter, how do you vote?

Mr. Cummings: Approve.

Ms. Barnes: Okay, and that passes 6 to 0 with one absent (*Mr. Martinez absent*). Congratulations and best of luck moving forward. Okay, where is my... Okay, let's move onto the next agenda item. And we're going to go to the Comprehensive Compliance Review and Conditional Use Permit that's coming back to us for the Telecom Tower Milestone Shackelford's Plumbing. And for that we recognize, welcome back Ms. Taylor.

UNFINISHED BUSINESS

5. COM22154702; Comprehensive Plan Compliance Review – Telecom Tower Milestone Shackelford's Plumbing – A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Sec. 15.2-2232, for the placement of a telecommunications facility, consisting of a monopole and ancillary equipment, on Tax Map Parcel No. 56-41, located

on the southeast corner of White Oak Road and Chapel Green Road, within the George Washington Election District. **(Time Limit: June 11, 2023) (History: Deferred from April 12, 2023 to May 24, 2023)**

6. CUP22154701; Conditional Use Permit – Telecom Tower Milestone Shackleford’s Plumbing –
A request for a conditional use permit (CUP) to allow a telecommunications facility (Facility) and to permit fencing to exceed the maximum allowable height within the A-1, Agricultural Zoning District on Tax Map Parcel No. 56-41 (Property). The Facility would consist of a 150-foot tall telecommunications monopole with ancillary equipment. The Property consists of 4.1 acres, located on the southeast corner of White Oak Road and Chapel Green Road, within the George Washington Election District. **(Time Limit: July 21, 2023) (History: Deferred from April 12, 2023 to May 24, 2023)**

Ms. Taylor: Good evening, Madam Chair, members of the Commission. I'm Amy Taylor, and I am back again this evening to finish our discussion regarding the Telecom Tower Milestone for Shackleford’s Plumbing, which pertains to a Comprehensive Plan Compliance Review and a Conditional Use Permit. As mentioned, it is a Comp Plan compliance review to determine if the location for a telecommunications facility is substantially in accord with the Comprehensive Plan. In addition, to a conditional use permit to allow a communications facility and permit fencing to exceed the maximum allowable height within the A-1, Agricultural District, specifically for Tax Map Parcel 56-41, consisting of 4.1 acres and in George Washington Election District. Again, the applicant is Matthew Penning with Milestone Towers and the owner is Charles and Vicki Shackleford. The property is shown here in blue and is located at the southeast corner of White Oak Road and Chapel Green Road. And the adjacent properties are zoned A-1 on all sides with some A-2 properties located further to the west. As discussed previously, the subject property is the business location for Shackleford’s Plumbing, and is currently developed with an existing residential dwelling and two detached garages, as well as two warehouse-style buildings and a fenced outdoor storage area associated with the plumbing business. The location of the tower is proposed within the northwest corner of the property. And residential uses are located on all sides of the site with the closest residential structure being located on the same parcel approximately 100 feet to the east. The closest off-site residential structure is approximately 375 feet to the south along Chapel Green Road. And as discussed during the public hearing on April 12, this application was deferred to this meeting specifically to allow the applicant to address concerns with the proposed tower location and to evaluate an alternate location more interior to the property, as well as address some concerns with the fall zone radius in relation to the tower’s proximity to public streets and the on-site residential dwelling. Since then, the applicant did explore the suggested alternate location east of the plumbing business. However, the property owner was not agreeable to siting the tower in this location, as it would impact the current business operations and future business expansion or for the development of the property in general.

Ms. Sellers: *Inaudible, microphone not on.* On this, on this picture that we see here, where on the property did we want them to move it to again?

Ms. Taylor: The alternate location that we discussed at the last meeting was in the general vicinity of the, the eastern portion of the site closer to the eastern property on the opposite side of the plumbing business.

Ms. Sellers: Oh. Is this a baseball field here?

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Ms. Taylor: I do believe the... there was a letter provided by the owner of the property indicating that there are occasions where that portion of the property is used for baseball practice, on occasion, but I don't believe it is an official baseball field.

Ms. Sellers: Okay.

Ms. Taylor: Resuming, the applicant has also noted that relocating the tower further east would also require some additional review by the State Historic Preservation Office to ensure that the alternate location would not create any adverse impacts to the Bethlehem Primitive Baptist cemetery and church, which is located within the area of potential effect, within a half mile of the site. And ultimately, based on this information, the proposed tower location remains unchanged. This is a street view of the property from White Oak Road shown from the west side of the site. And the GDP for the site, for the site plan also remains unchanged with the exception to the addition of the fall zone radius, which is now shown here with the orange dashed line. And as discussed previously, the proposed tower design does consist of 150-foot-tall monopole tower with the potential for colocation of up to four wireless carriers. And the green circle highlights the location of the proposed tower and the equipment compound which will be enclosed by an eight-foot-high vinyl panel style security fence and screened with landscaping. Access to the tower will be provided by way of the existing paved driveway serving the existing residence. And the tower is ultimately located approximately 56 feet to the closest property line to the north, and approximately 100 feet from the nearest on-site residence to the east. However, the applicant has addressed those concerns related to the fall zone, and has provided a letter of explanation regarding the design and the construction of the tower, how the fall zone is engineered, and a letter from the tower manufacturer certifying a fall zone radius of 40 feet or less. And as shown on the plan, the 40-foot fall zone radius is approximately 27 feet from the edge of pavement along White Oak Road, about 10 feet from edge of pavement along Chapel Green Road, and 62 feet from the edge of the on-site residential structure. This is the elevation view of the tower which depicts the tower design with the potential for colocation of four wireless carriers. These are the signal propagation maps which depict or illustrate the existing and proposed radiofrequency coverage for the proposed tower location and demonstrate how the tower would fill a gap in coverage. And this slide specifically shows the existing coverage in the area. And this slide shows the expanded coverage with this proposed tower location. These are the tower setbacks and again, this slide demonstrates the setback from the tower to the property line and the closest structures. And as previously discussed, the proposed tower would be less than 60 feet from the property line to the north, and... or excuse me, the northern and the southern property lines along White Oak and Chapel Green Road and again would be approximately 100 feet to the closest on-site residential dwelling and 375 feet to the closest off-site residential dwelling along Chapel Green. These are photo simulations which demonstrate the tower's visibility from various vantage points in the surrounding area. This particular slide again demonstrates visibility from First Street, which is slightly less than a half a mile southwest of the site. And stands of existing mature vegetation and trees do exist within much of the surrounding area, which will provide screening to minimize visual impacts to those properties furthest from the site. However, there is no mature tree cover in the immediate vicinity of the site to provide screening and the tower would be highly visible to those properties closest to the site and generally visible to more than half of the surrounding locations. And this slide specifically demonstrates visibility of the tower from the intersection of White Oak Road and Bethel Church, which is approximately a quarter mile west of the site. Ultimately, the application was evaluated for compliance with the criteria identified in the Telecommunications Plan. And the request is consistent with one of the siting priorities identified in the Telecommunications Plan since the facility would be located on agriculturally zoned property. And there's also generally, it is also generally consistent with many of the siting criteria, as the proposed location shows appropriate separation from other facilities; identifies how the site will fill a gap in coverage; and rules out potential colocation on other sites. However, the request is not consistent

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with the siting criteria, which recommends facilities be located interior to parcels and away from residential development, as the compound and the tower itself are still within close proximity to roadways as well as the existing residential development. The design standards set forth within the Telecommunications Plan are intended to address the visual and land use impacts of telecommunications facilities on surrounding areas. And the request is consistent with many of those design criteria since the proposed facility would meet the colocation requirements, and the applicant is not proposing to paint the tower or proposing any lights on the tower that would cause harm to migrating birds. However, the request is not consistent with the design criteria regarding the visual impacts, screening setbacks, and facility location since the tower is not sited towards the interior of the property, does not meet the recommended setbacks from property lines or adjacent dwellings, and lacks the mature tree cover in the immediate vicinity which would provide the screening from those properties closest to the site. The request is also not consistent with the health and safety recommendations regarding the tower fall zone based on the tower's proximity to the property lines and dwellings. However, as previously noted, the applicant has provided a letter from their engineer which indicates and certifies a reduced fall zone radius of 40 feet or less. Revisiting a few of the proposed conditions for the conditional use permit – these conditions would permit one tower with a maximum height of 150 feet; require the location of the tower to be in conformance with the plan; maintain the existing entrance for adequate emergency access and drainage; require security fencing and screening of the compound by way of an 8-foot vinyl panel style fence; require the tower designed to accommodate a minimum of four carriers; and staff has included an additional condition which now requires a structural analysis which demonstrates that the tower has been designed with a maximum fall zone radius of 40 feet. As previously discussed, staff does find that the positive aspects are that the proposed facility is generally consistent with the siting priorities and some of the design standards in the Telecommunications Plan; and approval of the request will result in enhanced wireless coverage to an underserved area. The tower is also designed to ensure health and safety of nearby residents in regards to radiofrequency emissions, and proposed conditions would ultimately offset some of the potential negative impacts. However, staff does find that the negative aspects remain the same in that the proposed facility does not conform with several siting criteria, design standards, and health and safety recommendations related to visual impacts, screening, proximity to the property lines, and residential uses and fall zone guidance. And ultimately, it does not meet all the standards for issuance of a CUP related to the proximity to property lines, visibility from surrounding uses, and lack of accordance with the Comprehensive Plan. And ultimately staff continues to recommend denial of the request pursuant to PCR23-06 in that we do not feel that the project is in accordance with the Comprehensive Plan recommendations. And also recommend denial of the CUP in accordance with Resolution R22-133. And that concludes my presentation.

Ms. Barnes: Okay, questions for staff.

Mr. Shelton: I have a question.

Ms. Barnes: Go ahead, Mr. Shelton.

Mr. Shelton: With the four carriers, how much enhancement would that get in the southeastern part of the county as well as into King George County? Any idea?

Ms. Taylor: Commissioner Shelton, I would have to defer to the applicant for that. They only provided propagation maps for their coverage, which is for the T-Mobile carrier. We would have to defer to them regarding what type of coverage we would receive from other carriers.

Mr. Shelton: Thank you.

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Ms. Barnes: Go ahead, Mr. Apicella.

Mr. Apicella: Madam Chairman. You probably at... you probably responded to this question last time this came in front of the Commission, but are you aware of any other locations in Stafford where a tower sitting right at the intersection of two roads?

Ms. Taylor: Commissioner Apicella, I do not recall that question from last time and staff is unaware of that information at the time.

Mr. Apicella: Alright. Thanks.

Ms. Barnes: Okay, any other questions? Everybody looks okay. Alright, thank you very much Ms. Taylor, and I will bring it back to the Commission and would the applicant like to come, I keep forgetting the applicant, would the applicant like to come forward. I'm sorry, it's been a long night. I promise you I will give you a chance.

Mr. Stetler: I am glad I'm not proposing a solar farm.

Ms. Barnes: So are we.

Mr. Stetler: My name is Phil Stettler. I'm representing the applicant Milestone. And Amy, am I good to go here? Sure. I will try to keep this brief because most of you have heard me a month ago, but not all of you. So as Amy stated, there were two primary concerns and that are the reason that we're here tonight. And that the project wasn't acted upon a month ago. One is to address the fall zone; concerns about the fall zone being too large and the unlikely potential that if there were an event that caused the tower to collapse, that it could potentially touch the edge of the roadway. So we'll address that concern. And then also, as Amy stated, the possibility of locating the tower elsewhere on the parcel, somewhere that would be more interior to the property. We've done a couple things, and I did – I make it sound like I personally did it – we did bring with us tonight a subject matter expert, we have an engineer with us that can speak specifically to, it was Commissioner Cummings who had a specific concern and wanted to know more of the mathematics and the physics of how a fall zone works. I am absolutely not qualified to speak to that. So I'll have Mr. Leadore come up in just a moment to speak to that. But nevertheless, we did obtain a certified letter, signed and sealed, that would ensure that in the, again, unlikely event of a collapse of the tower, that it would fall within a radius of 40 feet that would ensure, one, that it wouldn't hit a residence or a person, but also that it wouldn't impact the roadway at, in any way. It would fall within the confines of the property. And then going to... actually, you know what? I want to have Mr. Leadore come up now to address that fall zone item because I think it might be helpful to clear up any concerns that, that there are on that specific item.

Mr. Leadore: Hello, my name is Alexander Leadore. I'm a senior structural engineer at Morris and Ritchie Associates. The fall zone design radius is not an uncommon thing, we do that pretty regularly actually; more to keep things on parcels, to make sure that things don't fall out of wooded areas, things of that nature. So monopoles are designed similar to the way that traffic lights are designed. So anytime you're driving down 95 you've got traffic lights on either side of the road. They're designed for wind speeds that are a 700 year mean recurrence interval wind speed. So in layman's terms, what that means is that these wind speeds are not expected to be exceeded or met within 700... one time in every 700 years basically. The way the fall zone radius works is the tower is designed normally per code. So all of the wind speed, everything would get loads; they do, they reserve loads for each of the four co-locators, they design the tower per code, and then they find that quote unquote break point. That's where

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the tower would fall in the event of a wind event. In this case, we have four co-locators, so all of your wind loading, the majority of your wind loading is in that top 40 feet of the tower. So 40 feet is a good fall radius. The way this is facilitated is like I said the tower is designed per code, and at that breakpoint, the manufacturer will then strengthen the pole below that portion. So if that wind event happens, in the unlikely event that happens, the tower will therefore buckle at that predetermined location before the rest of the tower falls down. And essentially yes, it'll, it'll collapse onto itself similar to like a bendy straw for lack of a better word. And so that would be your buckle point. And so that will ensure that the tower structure as a whole does not fall and instead only that top 40 feet buckle onto itself. Ideally that won't come separate from the tower, it will just stay there. But if it does fall it will only be that 40-foot section. So it is a very, it's a very simple process where the tower is designed as it normally is and then they, they intentionally reinforce below that point.

Ms. Barnes: Thank you.

Mr. Stetler: You should be grateful I didn't try to explain that. Although I did like the bendy straw thing. I'm gonna, I'm gonna tuck that one away. In addition to the fall zone, the other item that was of concern, again, was us considering and our landlord considering the possibility of locating the tower in a separate location on the parcel. As was already stated, our landlord, our landowner was not open to the suggestion of locations more on the eastern side of the parcel, due to his current use of... he's a, owns a plumbing business, Mr. Shackelford owns a plumbing business. He utilizes that portion of the property for his service vehicles. And the baseball field that is, that is there is utilized a few times a year, it's not used frequently, but it is used. So it was his determination that it wouldn't be appropriate to locate a tower on that side of the property. And again, as was already stated, if we were to propose a new location on the eastern side of the parcel, that would trigger us having to go back through the State Historic Preservation process due to the Primitive Baptist cemetery that is not too far away from the parcel. So this, this graphic, you might have to look close because some of the print is in black, the general location that would meet all setback requirements is, it would have to be somewhere, the tower would have to be somewhere within the highlighted yellow section there that you see in that kind of strangely shaped polygon. So in addition to our landlord not being open to the location, the other item for consideration is that if the tower were to be located within that polygon, it would actually bring it closer to the neighbors' homes. So at the current location, we are 375 feet from the nearest neighbor, which is to, just to the south of the plumbing business and where you see those white box trucks parked. If we moved within the polygon, we'd be less than 300 feet away from that same home and also the home to the east. And directly within their viewshed. It would be right in their backyard. And it was our determination that probably is not ideal, and the neighbors probably wouldn't appreciate a switch in the location to that side of the parcel. Again, here's where we're proposing to put it. A quick photo simulation; you have already seen these before. We believe it blends in pretty well with the existing power line infrastructure. While not the same size or scale, it runs right on the road along with the power lines. Two things – as we think about this issue of siting to the interior of the parcel, while we understand the intent of that portion of the code, what, I would want to call your attention to two previous projects that this Commission and the Board have previously approved and staff has recommended approval for where we also didn't locate to the interior of the property. This project, which we called Widewater, was approved I believe in either 2020 or 2021. We are located at the far, far northern end of the parcel, again, due to our landlord's desire to leave the rest of the parcel open for future development and plans that they may have for the property. They don't want the rest of the parcel encumbered similar to our landlord Mr. Shackelford, Mr. and Mrs. Shackelford, at the subject property. This one I remember having a discussion with you, Commissioner Sellers, on this one because I think this might be kind of close to where you live. This is also not located to the interior of the property. This is property owned by Stafford County. The County has or may have future plans for other locations on the parcel and as you can see,

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the middle of the parcel is fairly occupied. That is not an option here. And so hence we located in the southeastern portion of this parcel. Just frame of reference here, the Primitive Baptist Church and cemetery that is on the National Register, you can see it here, just to the southeast of the subject property. And you can see, if we were to locate it further to the east, it would be a little bit closer. And we'd have to go back through the historic process, historic review process. I'm going to leave it there. I would... the one other thing I might draw your attention to, and I don't have a slide for it, it was showing on a little bit on Amy's slide but, and I know we discussed this at the last hearing. This is part of a two-site solution for T-Mobile. So there is another tower that I don't believe is on air yet. Is that accurate? Going on air soon, further down to the east. And so the idea is that with that tower, which should go on air relatively soon, and this tower, there'll be an additional six square miles of coverage for T-Mobile and ideally other carriers as well in the near future. So that concludes what I have for you tonight. I am more than happy to take any questions you may have or if you have questions for Mr. Leadore.

Ms. Barnes: Okay, questions for the applicant, including physics questions now apparently?

Mr. Stetler: No.

Ms. Barnes: No. Okay, sorry.

Mr. Stetler: Not me, not me.

Mr. Shelton: That would be an enhancement to the southeast corner of Stafford County as well as into King George. Am I correct?

Mr. Stetler: That's correct.

Mr. Shelton: Thank you.

Ms. Barnes: Okay. Any other questions for the applicant? Everybody looks satisfied. Okay. Thank you very much. And now I will bring it back to the Commission. Mr. Bain, this is in your district. Oh, no. I think it's closed. Yeah. We closed it, yeah. Yeah.

Mr. Bain: Alright, then. Yes. I look at the benefit of this tower in terms of cell coverage. And I feel that that outweighs the siting drawbacks for this particular site. I am satisfied with the fall zone computation and design. I think that's adequate to protect surrounding areas, roadways, structures. And so I think, from my perspective, I support this and I recommend approval of compliance with the Comprehensive Plan, let's see... Pardon?

Ms. Sellers: Second.

Mr. Bain: I have to give a number I think.

Ms. Barnes: 22154702.

Mr. Bain: I don't see it on here. Okay, I will take your word for it.

Ms. Barnes: Okay. We have a motion by Mr. Bain and a second by Ms. Sellers for a Comprehensive Plan Compliance Review 22154702. Any further discussion? Alright, hearing none. Oh, Mr. Apicella, go ahead.

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Mr. Apicella: I'm actually not going to support this one. Sorry, I wasn't here for the last meeting. What sticks out at me is that the tower is basically at the edge of a major road. I don't think that's a good place for 150-foot-tall tower, notwithstanding the improvements that it would make in terms of self-coverage. But I don't think it's the same as the other examples that the gentleman provided, because they're not along a major road. So I wouldn't want to be driving down a major road and Bam! there's 150-foot tower right there. I just don't think that's an appropriate place for a cell tower. Thanks.

Ms. Barnes: Okay. Any other comments? Okay, hearing none, please cast your vote. Dexter, are you still there?

Mr. Cummings: Yeah, I'm doing no.

Ms. Barnes: Okay.

Mr. Cummings: I vote no.

Ms. Barnes: Are you voting yes or no?

Mr. Cummings: I vote no.

Ms. Barnes: Okay. So that, so that is a 2 to 4... or actually I'll reverse that, it's 4 to 6, passes 4 to 2 with one absent (*Mr. Martinez absent*). Did I get that right? I think I did. Okay. And Mr. Bain, let's move on to the conditional use permit. Conditional Use Permit 22154701.

Mr. Bain: Yeah. Yes, I recommend approval of the conditional use permit as specified and that's CUP22154701 .

Mr. Shelton: Second.

Ms. Barnes: Okay. We have a motion by Mr. Bain and a second by Mr. Shelton. Any further discussion?

Ms. Sellers: I just have a comment on it.

Ms. Barnes: Go ahead, Ms. Sellers.

Ms. Sellers: I love the White Oak area. I love all their little random baseball fields that you just drive down the road and see just out there. And they do need more cell phone coverage. So I'm gonna support this and good luck.

Ms. Barnes: Okay, any further comment?

Mr. Bain: You can't see that baseball field from the roadway.

Ms. Sellers: Well, you can't see it from White Oak Road, but I spend a lot of time driving the roads. And I love it. I absolutely love those little baseball fields there and Caisson Road so.

Mr. Shelton: They gave you a visa to go to White Oak?

Ms. Barnes: A visa?

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Ms. Sellers: I love White Oak, man! I love White Oak! I'm feisty, I'm feisty like I'm from there.

Ms. Barnes: Okay, let's move on. Okay, sounds like... alright, please cast your vote for Conditional Use Permit 22154701. Dexter, how you vote?

Mr. Cummings: No.

Ms. Barnes: Okay, so that is a 4 to 2 with one absent (*Mr. Martinez absent*) and that passes. Congratulations. Best of luck moving forward. Okay, New Business, none. Planning Director's Report, Ms. Kathy.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

7. Project Pipeline Report (For Information Only)

8. Data Centers – Board Direction

Ms. Baker: The only thing I really wanted to report on was the Board, at their May 16th meeting, continued their discussion on the Data Centers. That was a carryover from the April 4th meeting when they referred the request to the Planning Commission to develop standards for Data Centers. So they continued the discussion whether to remove from by-right in the B-2, M-1, M-2, and RBC zones. They didn't make an official recommendation or refer anything to you, I just wanted you all to make it know that that was their discussion and that they were just interested in ensuring that you all understood that they were looking to have potentially a conditional use permit or other means of having regulations placed on the Data Centers. So, I just wanted to let you know that and that is all.

Ms. Barnes: Thank you. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: No report.

Ms. Barnes: Thank you. And Committee Reports. We've only got one committee going on right now, Data Centers. And Mr. Bain, you're the Chairman; do you have a report for us this evening?

COMMITTEE REPORTS

9. Data Centers Subcommittee

Subcommittee Reports – April 26, May 3, May 10, & May 17, 2023

Meeting: Wednesday, May 24, 2023 @ 4:00 PM; CDSC Conference Room and Virtual

Next Meeting: Wednesday, May 31, 2023 - TENTATIVE

Mr. Bain: Just an update. We are working towards recommending changes to the Comprehensive Plan and the Zoning Ordinance regarding Data Centers. We are considering, strongly considering, making them require conditional use permits as opposed to by-right development. And we're looking at

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identifying specific criteria that will make them more amenable to siting within the County, particularly with views of noise and stormwater management and groundwater management issues. We're meeting every Wednesday if anybody wants to attend. Next Wednesday we will meet at 3:30 here in the County building. Any public that's listening, you're more than welcome to attend. That'd be it.

CHAIRMAN'S REPORT

Ms. Barnes: Okay, thank you. Chairman's Report – I'm going to move right past that because it's getting so late. We'll move to Other Business. New TRC Submissions; it looks like we've got one for Falmouth, one for Garrisonville... the Garrison at Stafford is moving along... and one for Hartwood. I think it looks like everybody got their good stuff for that. Alright, let's move to the Approval of Minutes. Can I have a...

OTHER BUSINESS

10. New TRC Submissions
- * 22155034; Wyche Rd Ind Pk Venture Industrial – Falmouth Election District
 - * 23155006; The Garrison at Stafford – Garrisonville Election District
 - * 23155015; Project Triangle – Hartwood Election District

APPROVAL OF MINUTES

11. April 12, 2023

Mr. Shelton: Motion to approve.

Ms. Sellers: Second.

Ms. Barnes: Okay, motion by Mr. Shelton, second by Ms. Sellers to approve the April 12, 2023 minutes. Any discussion? Hearing none, all in favor?

Members: Aye.

Ms. Barnes: Any opposed? Thank you Dexter. Any abstentions? The motion passes unanimously with one absent (*Mr. Martinez*). And April...

Ms. Sellers: *Inaudible, microphone not on...* the Starbucks at Aquia Towne Center? I think people want to hear... *inaudible*.

Ms. Barnes: What happened? What did I miss?

Ms. Sellers: There's something online about a Starbucks in Aquia Towne Center. We should probably let the public know that something was on one of those forms that you click on. Isn't that...?

Ms. Barnes: Hmm... I don't have it on here.

Ms. Sellers: Really? Maybe I made that up.

Ms. Barnes: I guess we'll have to look into that.

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Ms. Sellers: Maybe it was wishful thinking. Sorry guys.

Ms. Barnes: Okay. So let's move on to April 26, 2023 minutes. Can I have a motion to approve those?

12. April 26, 2023

Mr. Bain: So moved.

Ms. Barnes: Motion by Mr. Bain, second by... who got that?... Mr. Shelton. Any discussion? Hearing none, all in favor?

Members: Aye.

Ms. Barnes: Any opposed? Any abstentions? The motion passes unanimously 6 with 1 absent (*Mr. Martinez absent*). With no more business before the Commission, can I have a motion to adjourn?

ADJOURNMENT

Mr. Shelton: Motion to adjourn.

Ms. Barnes: Billy go that one.

Mr. Bain: Second.

Ms. Barnes: Second by Mr. Bain. Any discussion? All in favor say aye.

Members: Aye.

Ms. Barnes: Any opposed? Motion passes; we are adjourned. Good night everyone.

At 10:02 PM, Chairman Barnes adjourned the May 24, 2023, Stafford County Planning Commission meeting.